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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

Malcom Johnson, Stephanie Kaiser, Jessie Clark, Christina Carmichael, Tara Johnson, Kathleen Sanders, Dr. F, Travis Brenneman, Ms. D, Linda Riser, Chad Dillard, Heidi Hopkins, Glenn Hopkins, Leann Wagerle, Teresa Lynn Karn, Boaz Miller, Candy Barnett, Lane Ewry, Margaret Henson, Melissa Swancutt, Ms. B, Wendy Sumner, Adrian Park, Dr. C, Kimberly Swegar, Kelly Hickman, Ms. E, Gail Giltner, Ms. G, Jennifer Brier, Melanie Crites-Bachert, D.O., Marti Lamb, Mary Gabriele, M.D., Elisabeth Coates, Kori DiStefano, Terese Lampa, Jazmin Graff, M.D., Terri Kam, Stephanie Nyhus, Dr. A, David West, Nate Lyons, Jane/John Does 1 – 100,

Plaintiffs,

v.

Kate Brown, in her official capacity of Governor of the **State of Oregon**; **Patrick Allen** in his official capacity as Director the **Oregon Health Authority**,

Defendants.

Case No. 3:21-cv-1494 MO

**VERIFIED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF; AND MOTION FOR
PRELIMINARY INJUNCTION AND
TEMPORARY RESTRAINING ORDER**

Violation of Civil Rights

Demand for Jury Trial

INTRODUCTION

1. This case presents the following legal question: Can the State of Oregon coerce human beings into taking an experimental medication? The answer is: no.

2. Human beings have a fundamental and constitutional right not to be coerced into taking experimental medication.¹

3. The only available purported COVID-19 vaccines are “investigational” which is the FDA’s term for “experimental.”²

4. The State of Oregon, through a series of actions, is now requiring every state employee, every school employee, and every medical worker to be injected with one of the investigational COVID-19 vaccines. The consequence of not obeying is the loss of one’s job, medical insurance, their means to support themselves, and their peace of mind. The State is illegally coercing human beings to take an experimental medication.

5. Plaintiffs are individuals who have been harmed by Oregon’s vaccine mandate. Plaintiffs are only the tip of the iceberg of countless individuals and families whose lives are being upended by Oregon’s vaccine mandate. Among the Plaintiffs is Stephanie Kaiser, whose scheduling work at Oregon Health & Science University (“OHSU”) is 100% remote—she never needs to set foot in the hospital or see a patient. The insurance provided through her work ensures her daughter receives live-saving treatments every three weeks, that would cost \$10,000 - \$30,000 per treatment if not paid by her insurance. Due to the vaccine mandate, this mother who could not conceivably pose a risk to anyone at the hospital, faces the agonizing decision of subjecting herself to these

¹ See U.S. CONST. amend XIV, § 1.

² See *Doe v. Rumsfeld*, 297 F. Supp. 2d 119, 135 (D.D.C. 2003).

experimental COVID-19 vaccines or losing the ability to provide for herself and care for her daughter.

6. The pain and suffering created by Oregon's vaccine mandates is great, but at its core, this case presents the legal question: Under the United States Constitution, can the State of Oregon coerce human beings to be injected with an experimental medication.

7. The Court must issue an order prohibiting the State of Oregon from enforcing its mandate and an order declaring that the State's mandate is unconstitutional. Plaintiffs seek a temporary restraining order, a preliminary injunction, a permanent injunction of the State's mandate, and a declaration that the State's vaccine mandate is unconstitutional.

PARTIES

8. The forty two named Plaintiffs are school employees, state employees, and medical workers who have been coerced by the State of Oregon to be injected with an experimental medication. Plaintiffs' facts are verified by declarations attached to this Complaint collectively in one Exhibit.

9. Malcolm Johnson lives in Gresham, Oregon. He played football for Barlow High School where, in a three-year career, he finished as one of the top 5 career rushers in the Oregon history. He is an assistant football coach for Tigard High School. He was instructed to get vaccinated or obtain an exception, or he would be terminated.

10. Stephanie Kaiser lives in Troutdale, Oregon and works as a PAS GI scheduler for OHSU. Her work is 100% remote. She was denied a religious exemption. She faces termination for failing to obey the vaccine mandate. She depends on her medical insurance from OHSU to care for her daughter who requires intravenous immunoglobulin treatment every three weeks, which would cost \$10,000 to \$30,000 per treatment without insurance.

11. Jessie Clark lives in Bend and is a registered nurse at St. Charles Medical Center in Bend. She has been told that the only accommodation for her religious exception is unpaid leave.

12. Christina Carmichael is an intensive care nurse at McKenzie Willamette Medical Center in Springfield, Oregon. Christina Carmichael was hailed as a hero for saving a woman in mental distress from committing suicide on I-5.³ She was given a big *Thank You* in a recent issue of Willamette Living Magazine for her work helping COVID-19 victims in the intensive care unit.⁴ Her employer is not allowing exceptions. She was advised to submit to the shot or to find another career.



13. Tara Johnson is a registered nurse at St. Charles Medical Center in Bend, Oregon. Her religious exemption was accepted but she is facing termination. The only accommodation offered is unpaid leave.

³ <https://blogs.ohsu.edu/96kmiles/2015/04/16/ohsu-nursing-student-shows-off-the-clock-heroism/> (last visited Oct. 11, 2021).

⁴ <https://issuu.com/willametteliving/docs/wl.may21.oi> (last visited Oct. 11, 2021).

14. Kathleen Sanders is a pharmacist living in Hood River. She refused to administer shots of any of the COVID vaccines because she did not want to hurt anybody. She was put on unpaid leave by her employer WalMart. Under the current vaccine mandate she is prohibited from working in Oregon. She asked the Oregon Board of Pharmacy whether Comirnaty is available in Oregon, and she received a non-responsive answer which is attached to her declaration. She called pharmacies around the state and could find no pharmacy with Comirnaty. Additionally, no pharmacy could tell her when Comirnaty would be available.

15. Dr. F owns a medical practice in Oregon and is a licensed doctor by the State of Oregon. He has been told by the State of Oregon that he and all his employees must be vaccinated or have an exemption, or he will be subject to a fine of \$500 per day per employee.

16. Travis Brenneman is a licensed paramedic in Oregon who lives in West Linn. He works for the Oregon Department of Human Services and volunteers for Tualatin Fire and Rescue. He has sought religious exemptions, which was granted by Tualatin Fire, but he has not yet heard back from DHS. He faces personnel consequences up to and including separation from employment.

17. Ms. D is a teacher in Oregon who has personally experienced harassment and retribution in the workplace for her views. Her philosophical exception was rejected; she was told to replace 'philosophical' with 'religious.' Her religious exception has been approved but may be retracted in the future. She is fearful that her exception will not be honored in the future. She is required to submit to onerous and unnecessary accommodations to keep her job or to even work in her chosen profession in Oregon.

18. Linda Riser is a lab courier at St. Charles Health Systems in Bend, Oregon. Her religious exemption was accepted but the only accommodation is unpaid leave. Because of the vaccine mandate she will lose her job, her family's health insurance, and her livelihood.

19. Chad Dillard is an assistant football coach at Vernonia High School and a Pastor. He was not allowed to submit a religious exemption—he was told that he could only submit a religious exception which was approved. The accommodations that he must tolerate are onerous, including the requirement that he is not allowed to eat with others.

20. Heidi Hopkins is a third-grade teacher in the West Linn-Wilsonville School District. Her religious exception was approved, but with onerous accommodations.

21. Glenn Hopkins is a middle school Physical Education teacher in the Gladstone School District. His religious exception was approved but his accommodations are onerous, including the requirement that he must eat in isolation when indoors.

22. Leann Wagerle is a 6th grade teacher in the Grants Pass School District. She is faced with the vaccine mandate and unless she obeys the order to get vaccinated or gets an exception, she will lose her job.

23. Teresa Lynn Karn is a secretary for the Oregon City School District. Due to the vaccine mandate, she feared for her job, and took both doses of Pfizer-BioNTech under duress. She is fearful of future mandates for booster shots.

24. Boaz Miller lives in Eugene, Oregon and owns a foster care business serving adults with developmental disabilities. He is facing the vaccine mandate. If he is out of compliance with the mandate his license will be terminated and he will be subject to a \$500 fine per day per violation.

25. Candy Barnett is an employee of the South Wasco School District. If she refuses to get the vaccine or get an exception, she will be terminated.

26. Lane Ewry lives in Damascus, Oregon and is a Registered Dental Hygienist. She is uncertain whether she can stay employed. Her medical exception has been accepted for the time being, but she fears that it could change at any time.

27. Margaret Henson is a certified medical assistant at the PeaceHealth Primary Clinic in Florence, Oregon. The accommodation offered her is unpaid administrative leave, subject to disciplinary action for not complying with the vaccine mandate. Many have told her that they believed that they were receiving an FDA approved Pfizer vaccine and were surprised to learn that the Pfizer vaccine that they were injected with is the investigational vaccine with the name BioNTech.

28. Melissa Swancutt is a registered nurse working for Brookdale Senior Living in Albany, Oregon. She was terminated on September 20, 2021, after her religious exemption was denied. She has learned the Oregon State Board of Nursing is meeting on October 13, 2021, to discuss new rules that impose disciplinary actions, including revoking nursing licenses, for nurses who do not comply with the vaccine mandate. The notice for that meeting is dated September 29, 2021. A copy of the first five pages of that notice is attached to her declaration.

29. Ms. B is a nursing student. Her religious exemption was denied. She felt she had no choice, and she took the Janssen vaccine, which was the only way to avoid being dismissed and losing her scholarship.

30. Wendy Sumner is a medical coder for PeaceHealth in Eugene, Oregon. She had been placed on administrative leave and her job will be terminated for not obeying the vaccine mandate.

31. Adrian Park is a paramedic working for LifeFlight in the Aurora, Oregon area. Her medical exemption was accepted, but the accommodations are onerous, and her exemption is subject to being revoked.

32. Dr. C owns a medical practice in Oregon and is licensed by Oregon. He fears retaliation by Oregon because he knows of instances where the State of Oregon has sought to terminate the licenses of doctors who did obey the party line relating to COVID-19. His practice is subject to a \$500 fine per day per incident if the State deems its paperwork non-compliant.

33. Kimberly Swegar is a hospice nurse for PeaceHealth in Florence, Oregon. She has been put on unpaid leave and is under disciplinary action for not complying with vaccine policy. She has sought to locate Comirnaty in Oregon without success. The Rite Aid in Florence has no doses. When the Lane County Health Department claimed to have Comirnaty, she asked to see a photograph, and they hung up on her.

34. Kelly Hickman is a Talent Management Program Specialist at Legacy Health in Portland, Oregon. Her exemption request was denied. She is currently on unpaid administrative leave and will be terminated October 19, 2021.

35. Ms. E lives in Oregon and works for an Oregon hospital. Her religious exemption was denied without explanation. During the last two years, she has worked 100% at home.

36. Gail Giltner is a nurse practitioner in Grants Pass, Oregon. She has had COVID-19 and has natural immunity that cannot be improved upon by the investigational COVID vaccines. She understands that the Oregon State Board of Nursing is going to try to enforce the vaccine mandate through licensure restrictions or revocations if she fails to get the vaccine. She faces losing her practice because she will not put something in her body that she has already recovered from.

37. Ms. G is a registered nurse in Oregon working at OHSU. Her religious exemption has been formally denied. She will be put on unpaid leave on October 19, 2021, and will be laid off on December 2, 2021, with no recall rights.

38. Jennifer Brier is 45 years old and developmentally disabled. She works part-time as a custodian for CascadeABA which is subject to Oregon's vaccine mandate for healthcare workers. She has been told that she will lose her job on October 15, if the healthcare vaccine mandate is not lifted. It is very hard for people like Jennifer Brier to find a job.

39. Melanie Crites-Bachert, D.O. is a Doctor of Osteopathic Medicine and a surgeon with her own private practice. Her privileges at Legacy Health System were terminated as of October 1, 2021. In contrast, Portland Adventist Hospital accepted her religious exemption and she is still waiting to hear from Providence Health System. She has had to cancel surgeries scheduled at Legacy which has negatively affected her reputation, practice, and livelihood. Had no hospitals accepted her religious exemption, or if her existing exemption is revoked, she would be forced to leave Oregon.

40. Marti Lamb is a registered nurse at St. Charles in Bend, Oregon. Her religious exemption was granted, but her reasonable accommodation is unpaid leave which is not

reasonable at all. Unless the vaccine mandate is overturned, she will likely lose her job and be unable to find work in Oregon.

41. Mary Gabriele, M.D. is a medical doctor with a small medical practice in Cottage Grove, Oregon. Although for the time being she has religious and medical exemptions, her job opportunities have been narrowed and she labors in an environment of uncertainty as to further emergency proclamations from the State.

42. Elisabeth Coates lives in Beavercreek, Oregon and is a registered nurse at Randall Children's Hospital. Her religious exemption was denied. She is currently on unpaid leave with termination scheduled to take place on October 19, 2021 if she fails to comply with the vaccine mandate.

43. Kori DiStefano lives in Beaverton, Oregon. She has been, and wants to continue as, a school volunteer at St. Cecilia. Unless, the vaccine mandate is overturned, she will not be able to volunteer at the school.

44. Terese Lampa lives in Silverton, Oregon and works in several roles as a registered nurse for Legacy Health including working in the wound care clinic and a consultant to the Silver Falls School District. She has had to leave her nursing positions, which are both short-staffed. She is baffled by the possibility that the Oregon State Board of Nursing may require nurses to become vaccinated or have their licenses revoked.

45. Jazmin Graff, M.D. is a medical doctor working as a second-year resident in anesthesiology and critical care at OHSU. She has sought a religious exemption, but she has been told that even if that is approved, OHSU could not offer her any accommodations. As of today, she is still active, but on October 18, 2021, she will be put on unpaid leave. Her contract will then be terminated on December 2, 2021.

46. Terri Kam is the owner of Kam & Kam Catering in Portland, Oregon. She has been told by Claremont Retirement Community that they will not do business with her until she and every one of her employees is vaccinated. Other clients are, or may be, taking the same position which has done a great deal of damage to her catering business.

47. Stephanie Nyhus lives in Portland and is a remote biller for Legacy. Her job does not entail any direct contact with other employees or with patients. Her home is not a licensed facility under the regulation, yet Legacy is requiring her to be vaccinated. She received a denial of her religious exemption on September 27, 2021. Currently she is laid off without pay. Her supervisor has texted her asking if she is finally willing to take any of the vaccines. She will be terminated on October 19, 2021, for her refusal to become a medical experiment. She is an expert in medical billing and due to the vaccine mandate, will be unable to find work in the medical field in Oregon.

48. Plaintiffs Jane/John Does refers to the many other similarly situated individuals who want to join this lawsuit and may do so in the future.

49. Defendant Kate Brown is Governor of the State of Oregon, as the State's chief executive, is responsible for the execution of its laws and regulations, including the challenged vaccine mandate, and for the approval of all executive branch policies and directives, including those of the Oregon Health Authority pertaining to the vaccine mandate. At all pertinent times Governor Brown has acted under color of state law. Governor Brown's principal place of business is located at the State Capital Building, 900 Court Street, Ste 254, Salem, Oregon. She is sued in her official capacity.

50. Defendant Patrick Allen is Director of the Oregon Health Authority ("OHA"). He is responsible for promulgation and enforcement of the challenged vaccine

mandate. At all pertinent times Patrick Allen has acted under color of state law. Defendant Patrick Allen's principal place of business is located at 500 Summer Street, NE, E-20, Salem, Oregon 97301.

JURISDICTION

51. This action arises under federal law, including 42 U.S.C. § 1983 and 1988, to redress the deprivation, under the color of state law, of rights, privileges, and immunities secured to Plaintiffs by the Constitution of the United States.

52. This Court has subject matter jurisdiction under 28 U.S.C. § 1331 and 28 U.S.C. § 1343. This Court has personal jurisdiction over the Defendants because they have committed acts in this district that violate the rights of Plaintiffs protected by the Constitution of the United States.

53. Plaintiffs seek a declaration of their rights under the Constitution of the United States. Pursuant to 28 U.S.C. §§ 2201-2202, this Court may declare the rights of Plaintiffs and grant further necessary and proper relief based thereon, including injunctive relief pursuant to Fed. Civ. P. 65.

BASIS FOR THE COMPLAINT AND INJUNCTIVE RELIEF

A. The Investigational Vaccines are Experimental Vaccines.

54. COVID-19 is a respiratory illness that has resulted in unprecedented interruption to political norms around the world.

55. Despite early predictions of mass casualties, the actual survival rate is very high. For example, an analysis published by the World Health Organization (“WHO”) concluded that the survival rate for COVID-19 patients under 70 years of ages was 99.95%.⁵

56. The FDA has authorized emergency use of three investigational vaccines under the Emergency Use Authorization (“EUA”) statute.⁶ The FDA issued an EUA for the Pfizer investigational vaccine, named Pfizer-BioNTech, on December 11, 2020.⁷ The FDA issued an EUA for the Moderna investigational vaccine (“Moderna”) on December 18, 2020.⁸ The FDA issued an EUA for the Janssen investigational vaccine, on February 27, 2021.⁹

57. Prior to these three investigational vaccines, the FDA has authorized emergency use of only one prior investigational vaccine—for inhaled anthrax. In the case of the anthrax investigational vaccine, a district court issued an injunction forbidding its forced administration to military service members without their informed consent.¹⁰ Importantly, the Court determined that the anthrax investigational vaccine was “experimental,”

⁵ Ioannidis, JPA, *Infection fatality rate of COVID-19 inferred from seroprevalence data*, BULL WORLD HEALTH ORGAN (Jan 1, 2021), <https://www.who.int/bulletin/volumes/99/1/20-265892.pdf> (last visited Oct. 10, 2021).

⁶ 21 U.S.C. § 360bbb-3.

⁷ FDA, EMERGENCY USE AUTHORIZATION (EUA) FOR AN UNAPPROVED PRODUCT REVIEW MEMORANDUM, (Dec. 11, 2020) (Pfizer-BioNTech COVID-19 Vaccine), <https://www.fda.gov/media/144416/download> (last visited Oct. 10, 2021).

⁸ FDA, EMERGENCY USE AUTHORIZATION (EUA) FOR AN UNAPPROVED PRODUCT REVIEW MEMORANDUM, (Dec. 18, 2020) (Moderna COVID-19 Vaccine), <https://www.fda.gov/media/144673/download> (last visited Oct. 10, 2021).

⁹ FDA, EMERGENCY USE AUTHORIZATION (EUA) FOR AN UNAPPROVED PRODUCT REVIEW MEMORANDUM, (Feb. 27, 2021) (Janssen COVID-19 Vaccine), <https://www.fda.gov/media/146338/download> (last visited Oct. 12, 2021).

¹⁰ *Rumsfeld*, 297 F. Supp. 2d at 135.

concluding that “the United States cannot demand that members of the armed forces also serve as guinea pigs for experimental drugs.”¹¹

58. The universal standard for experimental drugs is that they can only be administered after informed consent. Federal law uniformly applies this standard to investigational drugs, demonstrating that the FDA’s term “investigational” means the same thing as “experimental.” For instance, federal law governing EUA authorization states that the patient has “the option to accept or refuse administration of the [EUA] product.”¹²

59. The informed consent standard is repeated in informational material available for each EUA authorized COVID vaccine. For example, every fact sheet for the investigation vaccines states the right of the patient: “Under the EUA, it is your choice to receive or not receive the [Pfizer-BioNTech, Moderna, or Janssen COVID-19 vaccine].”¹³

60. The corollary to informed consent is that coercion is not allowed. This is not controversial. For instance, at a CDC published meeting of the official Advisory Committee on Immunization Practices, Executive Secretary Dr. Amanda Cohn, stated on the record (at 1:40:40): “I just wanted to add that, just wanted to remind everybody, that **under Emergency Use Authorization, and EUA, vaccines are not allowed to be**

¹¹ *Id.*

¹² 21 U.S.C. § 360bbb-3(e)(1)(A)(ii)(III).

¹³ FDA, PFIZER-BIONTECH INFORMATION FACT SHEET FOR RECIPIENTS AND CAREGIVERS, p. 5 (Sept. 22, 2021), <https://www.fda.gov/media/144414/download> (last visited Oct. 12, 2021); FDA, MODERNA FACT SHEET FOR RECIPIENTS AND CAREGIVERS, p. 4 (Aug. 27, 2021), <https://www.fda.gov/media/144638/download> (last visited Oct. 12, 2021); FDA, JANSSEN FACT SHEET FOR RECIPIENTS AND CAREGIVERS, p. 5 (Aug. 27, 2021) <https://www.fda.gov/media/146305/download> (last visited Oct. 12, 2021).

mandatory. So, early in this vaccination phase, individuals will have to be consented and **they won't be able to be mandated.**"¹⁴

B. The Reported Approval of a Pfizer COVID-19 Vaccine.

61. The terms "authorized" and "approved" are terms of art in the FDA with very different meanings. Drugs may be "authorized" for emergency use, but they remain "unapproved."¹⁵ "A vaccine available under emergency use authorization is still considered investigational."¹⁶ "Approval" refers to the FDA's determination that a drug is safe and effective, and that its benefits outweigh its risks.¹⁷

62. The well-publicized approval of a COVID vaccine by the United States Food & Drug Administration ("FDA") on August 23, 2021, did not do what most people assume that it did. The Pfizer vaccine originally authorized under the EUA in December 2020 is called Pfizer-BioNTech COVID-19 Vaccine ("Pfizer-BioNTech investigational vaccine" or "BioNTech").¹⁸ On August 23, 2021, the FDA did *not* approve BioNTech. Rather, the FDA

¹⁴ CDC, MEETING OF THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES, 1:40:40 (Aug. 26, 2020) (online presentation), https://www.cdc.gov/vaccines/videos/low-res/acipaug2020/COVID-19Supply-NextSteps_3_LowRes.mp4 (last visited Oct. 12, 2021).

¹⁵ See 21 U.S.C. § 360bbb(a).

¹⁶ See Joncus Decl. Ex. 10 (<https://www.niaid.nih.gov/diseases-conditions/covid-19-vaccine-faq>).

¹⁷ 21 U.S.C. § 355; FDA, ABOUT FDA APPROVAL, (Dec. 29, 2017), <https://www.fda.gov/news-events/approvals-fda-regulated-products/about-fda-product-approval> (last visited Oct. 12, 2021).

¹⁸ FDA, EMERGENCY USE AUTHORIZATION (EUA) FOR AN UNAPPROVED PRODUCT REVIEW MEMORANDUM, (Dec. 11, 2020) (Pfizer-BioNTech COVID-19 Vaccine), <https://www.fda.gov/media/144416/download> (last visited Oct. 12, 2021).

expressly extended the Emergency Use Authorization for BioNTech: “the EUA will remain in place for the Pfizer-BioNTech COVID-19 vaccine”¹⁹

63. What the FDA approved on August 23, 2021, was a Pfizer vaccine called Comirnaty.²⁰ But at the same time, the FDA admitted (in a footnote buried on page 5 of its letter) that Comirnaty would not be available to the population.²¹ In fact, Comirnaty is not available at all in the United States.²² The only Pfizer COVID vaccine available in Oregon is BioNTech—an investigational vaccine.²³ There has been no FDA approval of any COVID-19 Moderna or Janssen vaccine—these products remain investigational EUA products. The only COVID-19 vaccines that are available in Oregon are the investigational vaccines.

64. In its August 23, 2021 letter, the FDA further distinguished the Pfizer-BioNTech investigational vaccine from the approved Pfizer Comirnaty vaccine. Buried in footnote 8, the FDA states that Pfizer-BioNTech is “legally distinct” from Pfizer-Comirnaty.²⁴ The FDA further emphasized that all printed matter, advertising, and promotional material for Pfizer-BioNTech clearly and conspicuously state that: “This

¹⁹ Ex. 1, p. 2 to the Declaration of Stephen J. Joncus (“Joncus Decl.”), filed contemporaneously hereto.

²⁰ *Id.*

²¹ *Id.* at n. 9 (“there is not sufficient approved vaccine available for distribution to this population in its entirety at the time of reissuance of this EUA.”)

²² Fox News, *Sen. Ron Johnson: There is not an FDA approved COVID vaccine in the US* (Oct. 1, 2021), <https://www.foxnews.com/media/ron-johnson-no-fda-approved-covid-vaccine> (last visited Oct. 11, 2021).

²³ See Declarations of Kathleen Sanders and Kimberly Swegar, attached hereto. See also the Declaration of Maria Prouflis filed contemporaneously with this Complaint.

²⁴ Joncus Decl., Ex. 1 at n. 8.

product has **not been approved** or licensed by the FDA, but has been authorized for emergency use by FDA, under an EUA. . . .”²⁵

65. The FDA’s August 23, 2021, letter is a model of obfuscation designed to create the misimpression that the Pfizer vaccine was now fully approved and licensed by the FDA. It is Orwellian doublespeak. As a result, the vast majority of the public has been fooled into believing that if one went to one’s local pharmacy for the Pfizer vaccine, one would be receiving a Pfizer vaccine that was approved and licensed by the FDA, when in fact, the only COVID vaccines available across the country were, and still are, experimental.²⁶

66. Due to the massive disinformation campaign by media and government following the FDA’s August 23 announcement, Pfizer now enjoys the imprimatur of safety, effectiveness and legality from a purported FDA license while retaining the blanket liability shield of an EUA product. A campaign to compel vaccination has swept the country. Not admitted by the authorities is that the only vaccines available are experimental. Any word critical of this mass vaccination campaign with experimental products is actively censored by big media and big tech.

67. Oregon participates in this deception. For instance, in an update dated August 24, 2021—one day after Comirnaty was approved—the Oregon Health Authority reported in a news release: “Oregon has now administered 2,766,837 first and second doses of Pfizer **Comirnaty**”²⁷ This is a lie designed by the State of Oregon to fool its citizens into

²⁵ *Id.* at pp. 11-12 (emphasis added).

²⁶ *See e.g.*, Declaration of Margaret Henson attached hereto.

²⁷ Joncus Decl. Ex. 9.

thinking that the Pfizer vaccine that they would be receiving is FDA approved so that more people will submit to the shot.

68. The mislabeling of drugs is a serious criminal offense punishable by up to a year in prison.²⁸ While Oregon is not changing the labels on the vials of Pfizer vaccine from BioNTech to Comirnaty in violation of this criminal statute, its public misrepresentation has a similar effect.

69. The only COVID-19 vaccines available in the State of Oregon are experimental medicines.

C. Oregon's Vaccine Mandate.

70. On August 13, 2021, Governor Brown issued Executive Order 21-29 providing that in effect all State employees and workers provide documentation of vaccination by October 18, 2021, or an exception request, or face termination.²⁹

71. This same mandate with the same deadline of October 18, 2021, also was applied to medical workers³⁰ and school employees.³¹

72. The farcical nature of Oregon's vaccination mandate is apparent in the very text of the regulations:

As of the time this rule was adopted, Delta was the variant making up more than 98 percent of sequenced specimens in Oregon. The Delta variant is approximately two to three times more infectious than early wild-type COVID-19 variants. **There is emerging evidence that people infected with the Delta variant have similar viral loads regardless of vaccination status suggesting that even vaccine breakthrough cases may transmit this variant**

²⁸ 21 U.S.C. §§ 331, 332.

²⁹ Ex. 2, pp. 4-5.

³⁰ OAR 333-019-1010.

³¹ OAR 333-019-1030.

effectively. Being vaccinated, is therefore critical to prevent spread of Delta.³²

In other words, because the vaccines don't work, it is critical for everyone to be injected with vaccines that don't work. George Orwell warned us.

73. Through the Governor's Executive Order and the Oregon Health Authority's regulations, the State of Oregon is coercing all state employees, all school employees, and all medical workers into taking experimental medication. This is an unprecedented violation of the Constitutional rights of an enormous group of people in Oregon.

D. Human Beings May Not Be Coerced to Take Experimental Medication.

74. Coercing human beings into treatment with experimental medication is forbidden. Human beings have a fundamental right protected under the United States Constitution to not be coerced into medical experimentation.

75. This right grows out of the common law. "At common law, even touching of one person by another without consent and without legal justification was a battery."³³ In the 19th Century, the Supreme Court has observed "no right is held more sacred, or is more carefully guarded, by the common law, than the right of every individual to the possession and control of his own person, free from all restraint or interference of others, unless by clear and unquestionable authority of law."³⁴

76. "This notion of bodily integrity has been embodied in the requirement that informed consent is generally required for medical treatment."³⁵ "Justice Cardozo, while on

³² OAR 333-019-1010(1); OAR 333-019-1030(1)

³³ *Cruzan v. Director, Missouri Dept of Health*, 497 U.S. 261, 269 (1990).

³⁴ *Id.* (quoting *Union Pacific R. Co. v. Botsford*, 141 U.S. 250, 251 (1891)).

³⁵ *Id.*

the Court of Appeals of New York, aptly described this doctrine: ‘Every human being of adult years and sound mind has a right to determine what shall be done with his own body .

. . .’³⁶

77. All FDA research into experimental drugs requires informed consent from the human subject.³⁷ The FDA has very specific rules on the necessary elements of informed consent.³⁸ These elements include the requirement that “participation is voluntary” and that “refusal to participate will involve no penalty or loss of benefits to which the subject is otherwise entitled.”³⁹

78. The FDA’s draft guidance regarding informed consent for investigational products cites the Belmont report.⁴⁰ In 1979, the Department of Health, Education and Welfare issued the Belmont Report,⁴¹ which was written in response to the infamous Tuskegee Syphilis Study in which African Americans with syphilis were lied to and denied treatment for more than 40 years.⁴²

³⁶ *Id.* (quoting *Schloendorff v. Society of New York Hospital*, 211 N.Y. 125, 129-130, 105 N.E. 92, 93 (1914).

³⁷ 21 C.F.R. § 50.20.

³⁸ 21 C.F.R. § 50.25.

³⁹ 21 C.F.R. § 50.25(a)(8).

⁴⁰ FDA, *Informed Consent Draft Guidance* (July 2014), <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/informed-consent#coercion> (last visited Oct. 10, 2021).

⁴¹ HHS, *The Belmont Report* (April 18, 1979), https://www.hhs.gov/ohrp/sites/default/files/the-belmont-report-508c_FINAL.pdf).

⁴² Kirsh, Danielle, “How the Belmont Report clarified informed consent” (Feb. 8, 2019), <https://www.massdevice.com/how-the-belmont-report-clarified-informed-consent/> (last visited Oct. 9, 2021).

79. The Belmont Report summarized some of the history of the exploitation of human subjects for experimentation: “during the 19th and early 20th centuries the burdens of serving as research subjects fell largely upon poor ward patients, while the benefits of improved medical care flowed primarily to private patients. Subsequently, the exploitation of unwilling prisoners as research subjects in Nazi concentration camps was condemned as a particularly flagrant injustice. In this country, in the 1940’s, the Tuskegee syphilis study used disadvantaged, rural black men to study the untreated course of a disease that is by no means confined to that population.”⁴³

80. The evolution of explicit prohibitions on coerced medical experimentation on human beings began with the Nuremberg war crimes trials.⁴⁴ The prohibition on nonconsensual medical experimentation on human beings is accepted by nations around the world without significant exception.⁴⁵

81. “The importance that the United States government attributes to this norm is demonstrated by its willingness to use domestic law to coerce compliance with the norm throughout the world.”⁴⁶

82. The norm prohibiting nonconsensual medical experimentation on human beings requires, among other things: “**The voluntary consent of the human subject is absolutely essential.** This means that the person involved should have legal capacity to give consent; should be so situated as to be able to **exercise free power of choice, without the**

⁴³ The Belmont Report at p. 6.

⁴⁴ *Abdullahi v. Pfizer, Inc.*, 562 F.3d 163, 177 (2nd Cir., 2009).

⁴⁵ *Id.* at

⁴⁶ *Id.* at 182.

intervention of **any element of force**, fraud, **deceit**, **duress**, over-reaching, or other ulterior form of constraint or **coercion**; and should have sufficient knowledge and comprehension of the elements of the subject matter involved, as to enable him to make an understanding and enlightened decision.”⁴⁷

83. In short, human beings have a fundamental right not to be coerced into taking experimental medication.

84. The Nuremberg Code was promulgated as part of the final judgments against doctors who conducted medical experiments without the subjects’ consent. “Among the nonconsensual experiments that the tribunal cited as a basis for their convictions were the testing of drugs for immunization against malaria, epidemic jaundice, typhus, smallpox and cholera.”⁴⁸

85. The Nuremberg Code was one of the primary sources that the United States Government used to write its laws. “Tellingly, the sources on which our government relied in outlawing non-consensual human medical experimentation were the Nuremberg Code and the Declaration of Helsinki, which suggests the government conceived of these sources’ articulation of the norm as a binding legal obligation. Today, FDA regulations require informed consent to U.S. investigators’ research, whether conducted domestically or in a foreign country, used to support applications for the approval of new drugs.”⁴⁹

86. “The Department of Health and Human Services has compiled the laws, regulations, and guidelines governing human subjects research in eighty-four countries. It is

⁴⁷ The Nuremberg Code, <https://history.nih.gov/display/history/Nuremberg%2BCode> (last visited Oct. 10, 2021).

⁴⁸ *Abdullahi*, 562 F.3d at 178.

⁴⁹ *Id.* at 181.

uncontested that all of the countries identified in this compilation require informed consent to medical experimentation.”⁵⁰

87. Federal law requires informed consent for the use of EUA products.⁵¹ The EUA statute requires that “individuals to whom the product is administered are informed of the option to accept or refuse administration of the product, of the consequences, if any, of refusing administration of the product, and of the alternatives to the product that are available and of their benefits and risks.”⁵²

88. In the Vaccine Information Fact Sheet for the Pfizer BioNTech investigational vaccine, recipients are told: “Under the EUA, **it is your choice** to receive or not receive the vaccine.”⁵³ In the Fact Sheet for Healthcare Providers Administering Vaccine for the Pfizer BioNTech investigational vaccine vaccination providers are told:

- a. “FDA has authorized the emergency use of the Pfizer-BioNTech COVID-19 Vaccine, which is **not an FDA-approved vaccine**;
- b. “The **recipient** or their caregiver **has the option to** accept or **refuse** Pfizer-BioNTech COVID-19 Vaccine;” and
- c. “**The significant known and potential risks** and benefits of Pfizer-BioNTech COVID-19 Vaccine, and the extent to which such risks and benefits **are unknown**.”⁵⁴

⁵⁰ *Id.* at 181 n.12 (internal citations omitted).

⁵¹ 21 U.S.C. § 360bbb-3(e)(1)(A)(ii).

⁵² *Id.*

⁵³ Joncus Decl Ex. 3, p. 5 (emphasis added).

⁵⁴ Joncus Decl Ex. 4, p. 11 (emphasis added).

89. In the Vaccine Information Fact Sheet for the Moderna investigational vaccine, recipients are told: “**It is your choice** to receive or not receive the Moderna COVID-19 vaccine.”⁵⁵ In the Fact Sheet for Healthcare Providers Administering Vaccine for the Moderna investigational vaccine, vaccination providers are told:

- a. the Moderna investigational vaccine “**is not an FDA-approved vaccine;**”
- b. “**The recipient** or their caregiver **has the option to** accept or **refuse** the Moderna COVID-19 Vaccine;” and
- c. “**The significant known and potential risks** and benefits of the Moderna COVID-19 Vaccine, and the extent to which such risks and benefits **are unknown.**”⁵⁶

90. In the Vaccine Information Fact Sheet for the Janssen investigational vaccine, recipients are told: “**It is your choice** to receive or not receive the Janssen COVID-19 Vaccine.”⁵⁷ In the Fact Sheet for Healthcare Providers Administering Vaccine for the Janssen investigational vaccine, the vaccination provider is told:

- a. that the Janssen investigational vaccine “**is not an FDA approved vaccine;**”
- b. “**The recipient** or their caregiver **has the option to** accept or **refuse** the Janssen COVID-19 Vaccine;” and

⁵⁵ Joncus Decl. Ex. 5, p. 4 (emphasis added).

⁵⁶ Joncus Decl. Ex. 6, p. 5 (emphasis added).

⁵⁷ Joncus Decl. Ex. 7, p. 5 (emphasis added).

- c. **“The significant known and potential risks** and benefits of the Janssen COVID-19 Vaccine, and the extent to which such risks and benefits **are unknown.**”⁵⁸

91. The immutable law of the United States is that human beings may not be coerced into taking experimental drugs. This is among the fundamental rights protected by the United States Constitution.

E. The Standard of Review is Higher Than Strict Scrutiny.

92. The United States Supreme Court recognizes a constitutionally protected liberty interest in refusing unwanted medical treatment under the Fourteenth Amendment.⁵⁹ “But determining that a person has a ‘liberty interest’ under the Due Process Clause does not end the inquiry; whether [an individual’s] constitutional rights have been violated must be determined by balancing his liberty interests against the relevant state interests.”⁶⁰

93. These liberty interests have often been analyzed by the Supreme Court under a heightened scrutiny standard.⁶¹ But this case is on a much higher plane. The fact pattern in these liberty interest cases do not involve the coerced use of experimental drugs. This case involves government coercion of human beings to be injected with experimental drugs. The Supreme Court has never considered this question.

94. The meets and bounds of the liberty interest concerning the coerced use of experimental drugs protected by the United States Constitution is proscribed by the

⁵⁸ Joncus Decl. Ex. 8, p. 4 (emphasis added).

⁵⁹ *Cruzan*, 497 U.S. at 278.

⁶⁰ *Id.* at 279.

⁶¹ See e.g., *Riggins v. Nevada*, 504 U.S. 127, 135-136 (1992); *Cruzan*, 497 U.S. at 278-285.

Nuremberg Code. The standard of review that should apply to violations of this liberty interest is—no derogation permitted.

95. The fundamental right of human beings not to be coerced into taking experimental medication stands above all other laws. The right does not depend on the consent of a State for its binding force. “The legitimacy of the Nuremberg prosecutions rested not on the consent of the Axis Powers and individual defendants, but on the nature of the acts they committed.”⁶²

96. The human rights standard established by the Nuremberg Code is a *jus cogens* norm from which no derogation is permitted.⁶³ ‘No derogation permitted’ means no deviation from the human rights standard is permitted. *Jus cogens* is mandatory law considered binding on all nations because they are derived from fundamental human values. *Jus cogens* does not depend on the consent of any nation; they recognized as universal rights that are binding on all nations because of the fundamental nature of the human rights that they protect.⁶⁴

97. The standard of review under the Constitution for the right asserted by Plaintiffs is higher than strict scrutiny because the universal and fundamental right of human beings not to be coerced into taking experimental medication is a right recognized as *jus cogens*.⁶⁵ *Jus cogens* is a mandatory norm accepted and recognized by civilized nations from which no derogation is permitted.⁶⁶ The government should not even be permitted to try and

⁶² *Siderman de Blake v. Republic of Argentina*, 965 F.2d 699, 715 (1992).

⁶³ *See id.* at 714 (1992).

⁶⁴ *Id.* at 715.

⁶⁵ *See Abdullahi*, 562 F.3d at 179; *Siderman de Blake*, 965 F.2d at 715.

⁶⁶ *Id.* at 714; *see also Jus Cogens*, BLACK’S LAW DICTIONARY (10th ed. 2014).

rationalize an exception—no derogation of a *jus cogens* norm is permitted. It is inconceivable that there could ever be any sufficient reason for a government to coerce human beings to take experimental medication.

98. Among the charges against doctors at Nuremberg was the nonconsensual testing of drugs for immunization against malaria, epidemic jaundice, typhus, smallpox, and cholera.⁶⁷ Could those doctors have had a rationale they would have excused coercing human beings to take experimental medication? The answer is self-evidently: no. Could the State of Oregon have a rationale that excuses coercing human beings to take an experimental medication? The answer is still: no. On what legal basis could the government have a valid excuse for coercing human beings into taking experimental medication in 2021? On what legal basis could the government have a valid excuse for violating a *jus cogens* human rights norm?

99. Obviously, this is not the Holocaust and Plaintiffs do not contend that today's events are comparable to the Holocaust. But the legal question of whether any justification may even be considered for coercing human beings into taking experimental medication is the same.

100. The right of each Plaintiff not to be coerced into taking experimental medication is universal, undeniable, unassailable, and uncompromisable. Coercion of human beings to take experimental medication is forbidden—period.

101. Moreover, the government may not deny a person employment on a basis that infringes his constitutionally protected interests.⁶⁸ The “overarching principle, known as

⁶⁷ *Id.* at 178.

⁶⁸ *Perry v. Sinderman*, 408 U.S. 593, 597 (1972).

the unconstitutional conditions doctrine, . . . vindicates the Constitution's enumerated rights by preventing the government from coercing people into giving them up."⁶⁹

102. Even if a strict scrutiny standard were to apply, the State of Oregon could not show that its mandate is necessary to advance a compelling governmental interest by narrowly tailored means.⁷⁰

F. The Mandate is Not Supported by the Science.

103. The State will undoubtedly contend that COVID-19 is a dangerous disease, and that the experimental vaccines are safe, effective, and necessary to control COVID-19. All of these allegations are false.

a. *COVID is Like a Bad Flu Season*

104. The statistics on COVID deaths are exaggerated. About 95% of those who died had comorbidities that could have caused the death without the addition of a COVID infection.⁷¹ According to Mike Yeadon, a former Vice President and Chief Scientist of Pfizer, COVID-19 is the most treatable respiratory virus ever.⁷² Norway has reclassified COVID-19 as no more dangerous than ordinary flu.⁷³

⁶⁹ *Koontz v. St. Johns River Water Mgmt.*, 570 U.S. 595, 604 (2013).

⁷⁰ See e.g., *Fulton v. City of Philadelphia*, __ U.S. __, 141 S.Ct. 1868, 1881 (2021).

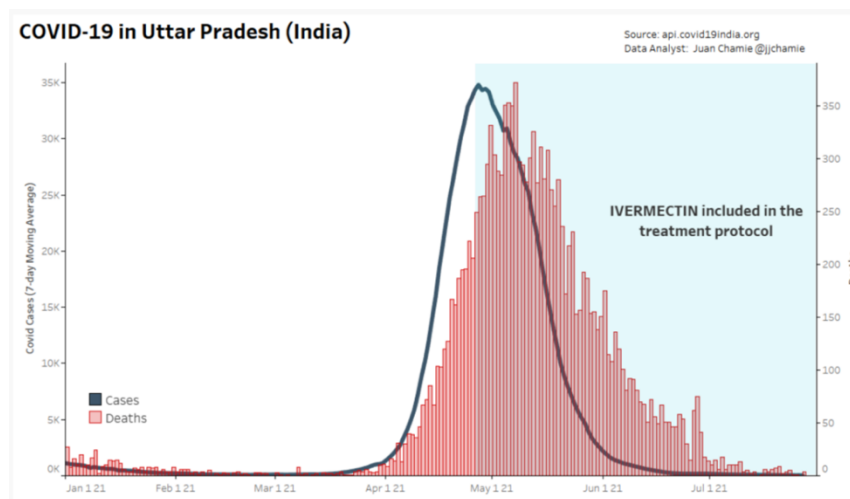
⁷¹ Gundlapalli, Avi V., et al., *Death Certificate-Based ICD-10 Diagnosis Codes for COVID-19 Mortality Surveillance*, MMWR Morb Mortal Wkly Rep (Apr. 9, 2021), <https://www.cdc.gov/mmwr/volumes/70/wr/mm7014e2.htm> (last visited Oct. 12, 2021).

⁷² Mike Yeadon Interview, Bitchute.com (Aug. 6, 2021), <https://www.bitchute.com/video/FPehpfdTleDo/> (last visited Oct. 10, 2021).

⁷³ Free West Media, *Norway reclassifies COVID-19: No more dangerous than ordinary flu* (Sept. 23, 2021), <https://freewestmedia.com/2021/09/23/norway-reclassifies-COVID-19-no-more-dangerous-than-ordinary-flu/> (last visited Oct. 10, 2021).

105. The coronavirus' infection fatality rate in most of the world is less than 0.2%, very similar to the flu.⁷⁴ "Early last year, Stanford professor John Ioannidis stated that if we didn't know a new virus called COVID existed, we might just 'have casually noted that flu this season seems to be a bit worse than average.'"⁷⁵

106. A myriad of cheap and effective treatments are available, most notably Ivermectin. A collection of 64 studies show how effective Ivermectin is.⁷⁶ The Front Line COVID-19 Critical Care ("FLCCC") Alliance collects and generates information on the use of Ivermectin in treating COVID-19.⁷⁷ The use of Ivermectin achieved miraculous results in Uttar Pradesh, India as demonstrated by the following graph.⁷⁸



⁷⁴ Duke, Selwyn, *Stanford Epidemiologist Studies COVID, Finds It's Highly Treatable and RARELY a Deadly Disease*, The New American (Sept. 5, 2021), <https://thenewamerican.com/stanford-epidemiologist-studies-COVID-finds-its-highly-treatable-and-rarely-a-deadly-disease/> (last visited Oct. 10, 2021).

⁷⁵ *Id.*

⁷⁶ *Ivermectin for COVID-19: real-time meta analysis of 64 studies*, <https://ivmmeta.com> (last visited Oct. 10, 2021).

⁷⁷ FLCCC Alliance, <https://covid19criticalcare.com> (last visited Oct. 10, 2021).

⁷⁸ FLCCC Alliance, *The Latest Results of Ivermectin's Success in Treating Outbreaks of COVID-19*, <https://COVID19criticalcare.com/ivermectin-in-COVID-19/epidemiologic-analyses-on-COVID19-and-ivermectin/> (last visited Oct. 10, 2021).

On September 10, 2021, only 11 cases with no deaths were recorded in a population of 241 million in Uttar Pradesh, India.⁷⁹ If Oregon wants to eradicate COVID-19, all it needs to do is follow Uttar Pradesh's example by widely distributing Ivermectin and encouraging the use of it.

107. The inventor of Ivermectin won a Nobel Prize in 2015.⁸⁰ Over 3.7 billion doses have been distributed over the world since 1987.⁸¹ Ivermectin is on the World Health Organization's "List of Essential Medicines."⁸² Ivermectin is sold over the counter throughout much of the world. New York Attorney Ralph Lorigo has had great success saving patients who were dying in hospitals on ventilators by getting court orders compelling hospitals to treat the patients with Ivermectin.⁸³

b. The Experimental Vaccines Are Dangerous

108. Based on analysis of the government's own data collected in VAERS, the estimated death toll in the United States from the experimental vaccines is more than

⁷⁹ FLCCC Alliance, *Summary of the Evidence for Ivermectin in COVID-19*, <https://covid19criticalcare.com/wp-content/uploads/2021/08/SUMMARY-OF-THE-EVIDENCE-BASE-FINAL.pdf> (last visited Oct. 10, 2021).

⁸⁰ *Id.*

⁸¹ *Id.*

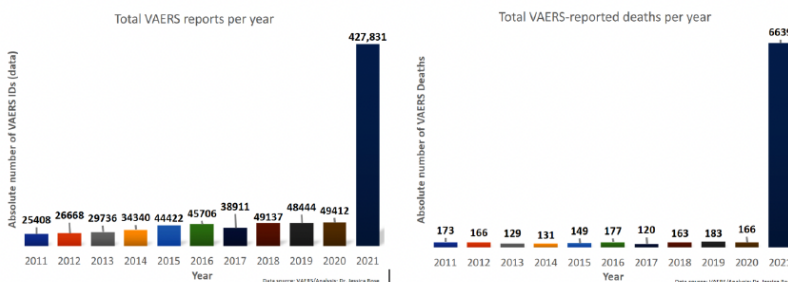
⁸² Kory, Pierre, et al, *Review of Emerging Evidence Demonstrating the Efficacy of Ivermectin in the Prophylaxis and Treatment of COVID-19*, Amer. J. Therapeutics (May/June 2021), https://journals.lww.com/americantherapeutics/fulltext/2021/06000/review_of_the_emerging_evidence_demonstrating_the.4.aspx (last visited Oct. 10, 2021).

⁸³ FLCCC Alliance, *Weekly Update—Patients's Rights on Trial* (Sept. 8, 2021), <https://odysee.com/@FrontlineCOVID19CriticalCareAlliance:c/FLCCC-WEBINAR-Patients-Rights-on-Trial:9> (last visited Oct. 10, 2021).

150,000.⁸⁴ More than 300,000 have been permanently disabled.⁸⁵ Dr. Ryan Cole, a pathologist reports that he is seeing a twenty-fold increase rate of cancer in vaccinated patients.⁸⁶ The examples of lives ruined by severe neurological disorders occurring after vaccination are heart breaking.⁸⁷

109. According to the New York Times, distribution of the swine flu vaccine was halted in the 1970's after an estimated 450 people developed the paralyzing syndrome Guillain-Barré and more than 30 deaths occurred.⁸⁸ In contrast, in 2021, there have been

Figure 1: Bar plots showing the number of VAERS reports (left) and reported deaths (right) per year for the past decade. (2021 is partial data set.)



more than 150,000 deaths following the rollout of the experimental COVID vaccines and the authorities have failed to stop the carnage. In the raw data, there has been an unprecedented 1000% increase in adverse events reported to VAERS compared to all

⁸⁴ See Decl. of Jessica Rose (“Rose Decl.”) filed contemporaneously with this Complaint, ¶ 13 and Ex. E.

⁸⁵ Kirsch, Steve, *All you need to know about COVID vaccine safety*, <https://www.skirsch.com/COVID/All.pdf> (last visited Oct. 10, 2021).

⁸⁶ WND Video, *U.S. doctor reports a ‘20 time increase’ of cancer in vaccinated patients* (Sept. 15, 2021) <https://www.wnd.com/2021/09/u-s-doctor-reports-20-times-increase-cancer-vaccinated-patients/> (last visited Oct. 10, 2021).

⁸⁷ Not on The Beeb, Short film *Censored*, <https://www.notonthebeeb.co.uk/censored> (last visited Oct. 10, 2021).

⁸⁸ Rose Decl. Ex. C (Peristein, Rick, *Gerald Ford Rushed Out a Vaccine. It Was a Fiasco*, NYT (Sept. 2, 2020)).

vaccine injury reports over the past 30 years as shown in the above plots.⁸⁹ VAERS is a pharmacovigilance tool launched by the United States Government in 1990 to provide safety signals not detected in previous testing.⁹⁰ Dr. Jessica Rose, an expert in viral immunology, explains what the information reported to VAERS is telling us in a detailed video presentation available online.⁹¹

110. The safety signals are screaming STOP, but the authorities continue to ignore it. Rather than recognizing the safety signals and acting appropriately to cancel the emergency use authorizations for the experimental vaccines, the authorities are doing the opposite—continuing to march forward with vaccine mandates.

c. The Experimental Vaccines Are Not Effective

111. The experimental vaccines are not working. In England, the country with the best data, COVID-19 cases per capita are more common among the vaccinated than the unvaccinated in most age groups.⁹² Data in the United States shows that the experimental vaccines are causing more harm than good.⁹³ Oregon's own vaccine mandate regulations admit that the vaccines are not working.⁹⁴

⁸⁹ Rose Decl. ¶ 6 and Ex. B.

⁹⁰ Rose Decl. ¶ 4.

⁹¹ Rose Decl. ¶ 4 (citing her VAERS Update, <https://youtu.be/Y4MViwU3XOo>) (last visited Oct. 9, 2021).

⁹² Horowitz, Daniel, *Horowitz: The country with the best data shows the infection rates higher among the vaccinated* (Oct. 4, 2021), <https://www.theblaze.com/op-ed/horowitz-the-country-with-the-best-data-shows-infection-rates-higher-among-the-vaccinated> (last visited Oct. 9, 2021).

⁹³ Classen J.B., *US COVID-19 Vaccines Proven to Cause More Harm than Good Based on Pivotal Clinical Trial Data Analyzed Using the Proper Scientific Endpoint, "All Cause Severe Morbidity"*, Trends Int Med. (Aug. 25, 2021), <http://www.skirsch.com/COVID/Morbidity.pdf> (last visited Oct. 10, 2021).

⁹⁴ OAR 333-019-1010(1); OAR 333-019-1030(1)

112. In a California study, vaccinated individuals were more susceptible to COVID variant infections than the unvaccinated.⁹⁵ In another paper, the authors find that increases in COVID-19 are unrelated to the levels of vaccination across 68 countries and 2947 counties in the United States.⁹⁶

G. Plaintiffs Identified by Pseudonyms Should Be Allowed to Proceed Anonymously

113. The Ninth Circuit allows parties to use pseudonyms in “the unusual case when nondisclosure of the party’s identity is necessary to protect a person from harassment, injury, ridicule or personal embarrassment.”⁹⁷

114. Identification of these individuals would subject them to retaliation by the State for standing up for their constitutional rights. They would also be exposing themselves because of the cultural and legal assault currently underway against those who forgo the experimental vaccines.

115. The Defendants are not prejudiced by being sued by anonymous Plaintiffs because this case involves purely legal issues as to whether the State of Oregon’s mandate violates law. Plaintiffs are challenging the validity of government, not private, action. The exact details of the State of Oregon’s illegal vaccine mandate are public. The State of

⁹⁵ Servellita, Venice, et al., *Predominance of antibody-resistant SARS-CoV-2 variants in vaccine breakthrough cases from the San Francisco Bay Area, California*, (Oct. 8, 2021), <https://doi.org/10.1101/2021.08.19.21262139>, (last visited Oct. 10, 2021).

⁹⁶ Subramanian, S.V., Kumar, A., *Increases in COVID-19 are unrelated to levels of vaccination across 68 countries and 2947 counties in the United States*, *Eur J. Epidemiol* (Sept. 30, 2021), <https://doi.org/10.1007/s10654-021-00808-7> (last visited Oct. 10, 2021).

⁹⁷ *Does I thru XXII v. Advanced Textile Corp.*, 214 F.3d 1058, 1067-68 (9th Cir. 2000) (citation and internal quotation marks omitted).

Oregon does not need to know the identity of these anonymous Plaintiffs to make its legal arguments.

H. **Causes of Action.**

FIRST CLAIM FOR RELIEF

ILLEGAL COERCION OF HUMAN BEINGS TO TAKE EXPERIMENTAL MEDICATION IN

VIOLATION OF THE DUE PROCESS CLAUSE OF THE 14TH AMENDMENT

(42 U.S.C. § 1983)

116. Plaintiffs reallege and incorporate by reference the foregoing allegations as if fully set forth herein.

117. The 14th Amendment, Section 1, provides:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

118. The due process clause of the 14th Amendment conveys to the citizenry of the United States the right not to be coerced into taking experimental medication.

119. Plaintiffs assert their constitutional rights against Defendants pursuant to 42 U.S.C. § 1983. Defendants, acting under the color of law, have violated Plaintiffs' constitutional rights.

120. The State of Oregon's vaccine mandate is unconstitutional.

SECOND CLAIM FOR RELIEF

ILLEGAL COERCION OF HUMAN BEING TO TAKE EXPERIMENTAL MEDICATION UNDER

THE PRIVILEGES AND IMMUNITIES CLAUSE OF THE 14TH AMENDMENT

(42 U.S.C. § 1983)

121. Plaintiffs reallege and incorporate by reference the foregoing allegations as if fully set forth herein.

122. “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States”⁹⁸

123. The United States Constitution contains many provisions beyond its text that limit the power of government to act.⁹⁹ The right of citizens not to be coerced into taking experimental medication is essential to the preservation of liberty. This right, inherently possessed by human beings, has been explicitly recognized as a fundamental human right since World War II. It is a right that, under a proper interpretation of the United States Constitution, is protected by the Privileges and Immunities Clause of the 14th Amendment.

124. The State of Oregon’s vaccine mandate is unconstitutional.

THIRD CLAIM FOR RELIEF

VIOLATION OF THE SUPREMACY CLAUSE

125. The United States Constitution and federal laws are the supreme law of the land and supersede the constitutions and laws of any state.¹⁰⁰

⁹⁸ U.S. CONST. amend XIV, § 1.

⁹⁹ See *McDonald v. City of Chi.*, 561 U.S. 742, 854 (2010) (J. Thomas concurring).

¹⁰⁰ U.S. CONST. art. VI, cl. 2.

126. “[S]tate law is pre-empted to the extent that it actually conflicts with federal law.”¹⁰¹ Federal law preempts any state law that creates “an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.”¹⁰²

127. The EUA statute mandates informed and voluntary consent.¹⁰³ The State of Oregon’s vaccine mandate is in conflict with federal law and is unconstitutional.

FOURTH CLAIM FOR RELIEF

Violation of ORS § 431.180

128. Plaintiffs reallege and incorporate by reference the foregoing allegations as if fully set forth herein.

129. Nothing in any public health law shall be construed as authorizing Oregon Health Authority to interfere in any manner with an individual’s choice of mode of treatment.¹⁰⁴

130. Defendants’ coercion of Plaintiffs into taking experimental medication unlawfully interferes with their choice of treatment against COVID-19 in violation of ORS § 431.180.

FIFTH CLAIM FOR RELIEF

INJUNCTION

131. Plaintiffs reallege and incorporate by reference the foregoing allegations as if fully set forth herein.

¹⁰¹ *See English v. General Elec.*, 496 U.S. 72, 79 (1990).

¹⁰² *Arizona v. United States*, 567 U.S. 387, 399 (2012).

¹⁰³ 21 U.S.C. § 360bbb-3(e)(1)(A)(ii)(III); *see also Doe v. Rumsfeld*, 03-cv-707, 2005 U.S. Dist. LEXIS 5573 (D.D.C. Apr. 6, 2005).

¹⁰⁴ ORS § 431.180.

132. Plaintiffs are entitled to injunctive relief to protect them from the State of Oregon's unlawful vaccine mandate. Plaintiffs are entitled to a temporary restraining order and a preliminary injunction to preserve the status quo during the course of this litigation. Plaintiffs are entitled to a permanent injunction against Oregon's unlawful vaccine mandate.

I. Motion

**MOTION FOR PRELIMINARY INJUNCTION AND
TEMPORARY RESTRAINING ORDER**

133. Based on the facts and argument above, Plaintiffs respectfully request that this Court enter a temporary restraining order (with notice) and preliminary injunction against Defendants pursuant to Fed. R. Civ. P. 65.

134. Plaintiffs are facing imminent irreparable harm because their constitutional rights are being violated; and from loss of employment and inability to find work in their profession for exercising their constitutional rights by not obeying the State of Oregon's mandates.

135. The compliance deadline in the Governor's Executive Order and the regulations is October 18, 2021. However, according to news reports, "more than half of Oregon's state employees now have an extra 6 weeks to get fully vaccinated against COVID-19, with the deadline pushed back to November 30."¹⁰⁵ There is no harm in preserving the status quo so that the Court may fully consider the arguments of the Parties.

136. In particular, Plaintiffs seek an Order restraining and enjoining the

¹⁰⁵ Zarkhin, Fedor, *Oregon gives 24,000 state employees six more weeks to get fully vaccinated*, KGW8 (Sept. 22, 2021), <https://www.kgw.com/article/news/health/coronavirus/vaccine/oregon-state-employees-vaccine-extension/283-87b8da69-9840-4cdd-9712-4a7aff81aef9> (last visited Oct. 12, 2021).

Defendants, their officers, agents, employees, attorneys, and successors in office, regulatory bodies, persons within the control of the government of the State of Oregon, and all other persons in active concert or participation with them (“Oregon Officials”), from enforcing, threatening to enforce, attempting to enforce, or otherwise requiring compliance of any vaccine mandate as follows:

a. No Oregon Official may enforce any vaccine mandate or adverse action related to a vaccine mandate on State employees. Additionally, no regulatory body may take any adverse action against any regulated population related to COVID vaccination or COVID vaccination status.

b. For the avoidance of confusion, this means that, for example, but not limited to these examples: OHSU is enjoined from enforcing any vaccine mandate on its employees; the regulatory bodies overseeing nurse and physician licensing, such as the Oregon State Board of Nursing, are prohibited from taking any action related to the vaccine mandate such as enacting rules related to the licensure of nurses or doctors; Oregon officials are enjoined from requiring, enforcing, threatening, or encouraging any Oregon school district to enforce vaccine mandates on their employees; Oregon officials are enjoined from enforcing, threatening, or encouraging private medical entities to enforce their own mandates on their employees; and Oregon officials are enjoined from taking any disciplinary action against private medical entities related to vaccine mandates.

c. No Oregon Official may enforce any accommodation requirement instituted with relationship to exemptions or exceptions to the vaccine mandate.

d. No Oregon Official may take any adverse action against those who have already been terminated as a result of the vaccine mandate, such as denying

unemployment benefits, terminating health benefits, or any other benefit that such individuals who lost their job due to a vaccine mandate would otherwise be entitled to. Oregon officials are enjoined from keeping employees on any unpaid leave resulting from the vaccine mandate.

137. The standard for issuance of a temporary restraining order is the same as the standard for a preliminary injunction.¹⁰⁶ “A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.”¹⁰⁷ Plaintiffs satisfy all four factors here.

138. Plaintiffs are likely to succeed on the merits because their right to not be coerced in taking experimental medication is undeniable.

139. Plaintiffs face irreparable harm if the preliminary injunctive relief is denied. “Constitutional injuries are irreparable harms.”¹⁰⁸ Plaintiffs are suffering constitutional injuries of the highest sort—the State of Oregon is violating a *jus cogens* norm by coercing Plaintiffs to take experimental medication.

140. The equities favor Plaintiffs. Plaintiffs’ fundamental constitutional rights are being trampled on in an unprecedented way.

141. Temporary injunctive relief is in the public interest. It is inherently in the public interest for individual constitutional rights to be upheld.

¹⁰⁶ See e.g., *O.M. v. National Women’s Soccer League*, 21-cv-683-IM, 2021 U.S. Dist. LEXIS 97840 at *4 (May 24, 2021).

¹⁰⁷ *Winter v. National Res. Def. Council*, 555 U.S. 7, 20 (2008).

¹⁰⁸ *The GEO Grp. V. Newsom*, 20-56172, ___ F.4th ___, 2021 U.S. App. LEXIS 29898, *43 (9th Cir. Oct. 5, 2021).

142. The Court should issue a temporary restraining order followed by a preliminary injunction.

143. Plaintiffs' request for an injunction requires Defendants to stop violating Plaintiffs' constitutional rights. Defendants will not suffer any economic harm for the status quo to be preserved, making a bond inappropriate.

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff respectfully demands a jury trial of all issues triable to a jury in this action.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

- A. A declaration that the State of Oregon's vaccine mandate is unconstitutional;
- B. A temporary restraining order, preliminary injunction, and permanent injunction against the State of Oregon;
- C. Attorney fees pursuant to 42 U.S.C. § 1983; and
- D. Such other and further relief as the Court deems just.

Respectfully submitted,

Dated: October 12, 2021

By: s/ Stephen J. Joncus

Stephen J. Joncus, OSB No. 013072

Email: steve@joncus.net

JONCUS LAW P.C.

13203 SE 172nd Ave Ste 166 #344

Happy Valley, Oregon 97086

Telephone: (971) 236-1200

Facsimile: (971) 244-7997

steve@joncus.net

Attorney for Plaintiffs

Declaration of Adrienne Park

My name is Adrienne Park and I hereby state upon personal knowledge that:

1. I live in Scio, Oregon and I am a paramedic working for LifeFlight in the Aurora, Oregon area.
2. I am faced with the vaccine mandate. My employer has recently indicated that it is accepting my medical exemption. But, the accommodations are onerous and subject to being revoked.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 10, 2021

A handwritten signature in black ink, appearing to read 'AP', followed by a long horizontal stroke.

Adrienne Park

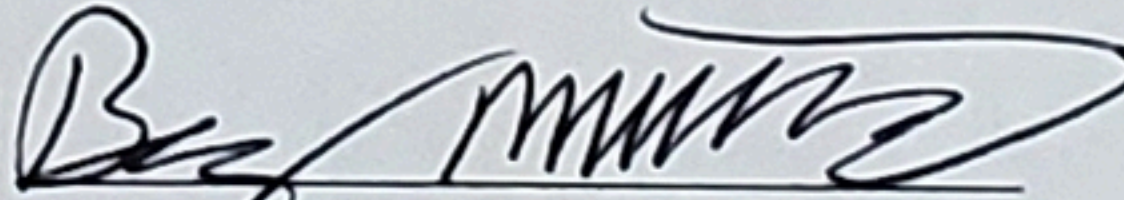
Declaration of Boaz Miller

My name is Boaz Miller and I hereby state upon personal knowledge that:

1. I live in Eugene, Oregon and I own a foster care business serving adults with developmental disabilities who require foster care in Oregon.
2. I and my employees are facing a vaccine mandate. I have not, and I will not take one of the Covid vaccines and there should be no need for me to get an exemption. Some of my employees take the same position.
3. According to Temporary Administrative Order PH 38-2021, I and each one of my employees must be vaccinated, or document what Oregon calls an exception, by October 18, 2021. I have been told by the Oregon Department of Human services developmental disability services that if I am out of compliance with the rule that my license would be affected and that I would not be able to be relicensed. My business is also subject to a fine of \$500 per day per violation under PH 38-2021.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 11, 2021


Boaz Miller

Declaration of Candy Barnett

My name is Candy Barnett and I hereby state upon personal knowledge that:

1. I am an employee of the South Wasco School District.
2. I have not, and I will not take one of the Covid vaccines and I should not have to seek a religious exemption.
3. I was told by the South Wasco School District that I must be vaccinated with one of the Covid vaccines or have what they call an exception. I have been told in a staff meeting that if I refuse to be injected with one of the Covid vaccines, or get an exception by 10/18/2021, I will be terminated.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 8th, 2021


Candy Barnett

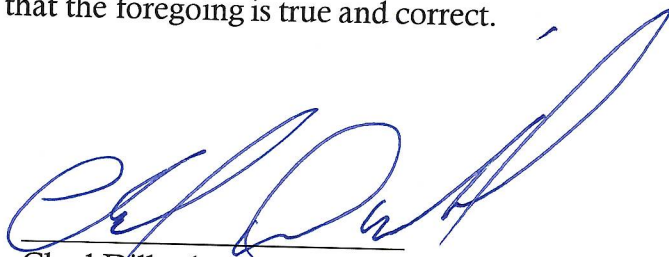
Declaration of Chad Dillard

My name is Chad Dillard and I hereby state upon personal knowledge that:

1. I am an assistant football coach for Vernonia High School.
2. I have not, and I will not take one of the Covid vaccines and there should be no need for me to get an exemption.
3. I have been instructed by Vernonia High School to be vaccinated with one of the Covid vaccines or obtain what they call an exception. I have been told in writing that if I refuse to be injected with one of the Covid vaccines, or get an exception, I will be terminated.
4. I was not allowed to submit a religious exemption OHA it was rejected by the school. I was told I have to submit the religious exception OHA form even as a Pastor. I was emailed the religious exception form again and then told to resubmit it again. The exception was approved.
5. Upon approval I was told I would be required to wear a N95 mask and a face shield at all times indoors and outdoors and was told I am not allowed to eat with others, and more.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 10, 2021



Chad Dillard

Declaration of Christina Carmichael

My name is Christina Carmichael and I hereby state upon personal knowledge that:

1. I live in Eugene, Oregon and I am an Intensive Care Nurse at McKenzie Willamette Medical Center in Springfield Oregon.

2. I am facing the vaccine mandate. I have recently been told that my employer wants to see my proof that I have been vaccinated or I am to meet with Human Resources and be taken off the schedule. My employer is not allowing exceptions to continue employment. I was advised to find another career or comply.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 9th, 2021


Christina Carmichael

Declaration of Dr. C

I am preparing this declaration under the alias Dr. C and I hereby state upon personal knowledge that:

1. I own a medical practice in the State of Oregon. I am a medical doctor and I have a license to practice medicine in the State of Oregon. This declaration is under an alias because I fear retribution from the State of Oregon if my name were to become known to them. I have good reason for this fear because I know of instances where the State of Oregon has sought to terminate the licenses of doctors who did not obey the party line relating to COVID.
2. I have not, and I will not take one of the COVID vaccines and I should not have to seek a religious or medical exemption.
3. The State of Oregon has told me that I and all my employees must be vaccinated with one of the COVID vaccines or have what they call an exception. It is my understanding that if I refuse to be injected with one of the COVID vaccines, or get an exception, I may be fined at the rate of \$500 per incident.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 9, 2021

Dr C.

Dr. C

Declaration of Dr. F

I am preparing this declaration under the alias Dr. F and I hereby state upon personal knowledge that:

1. I own a medical practice in the State of Oregon. I am a doctor licensed by State of Oregon. This declaration is under an alias because I fear retribution from the State of Oregon if my name were to become known to them.

2. I have not, and I will not take one of the Covid vaccines and I should not have to seek a religious or medical exemption.

3. The State of Oregon has told me that I and all my employees must be vaccinated with one of the Covid vaccines or have an exemption. I understand that if State does not approve of our paperwork documenting vaccination status and/or exemptions, we could be faced with a \$500 per day per employee fine.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 10, 2021

Dr. F
Dr. F

Declaration of Elisabeth (Lis) Coates

My name is Elisabeth (Lis) Coates and I hereby state upon personal knowledge that:

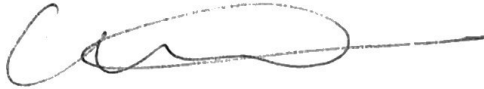
I live in Beavercreek, Oregon and am a registered nurse at Randall Children's Hospital, a part of Legacy Health System.

I have not, and will not, get injected with one of the investigational COVID vaccines. I submitted a religious exemption that was denied and I am currently on unpaid leave with termination scheduled to take place on October 19, 2021 if I fail to comply with the vaccine mandate.

Unless, the vaccine mandate is overturned, I will likely lose my job and be unable to find employment in my profession in Oregon.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 10, 2021

A handwritten signature in black ink, appearing to read 'Elisabeth Coates', with a long horizontal line extending to the right.

Elisabeth Coates


Declaration of Gail Giltner

My name is Gail Giltner and I hereby state upon personal knowledge that:

1. I am a nurse practitioner in Grants Pass, Oregon and the owner of NorthWest Family Practice, a small private practice medical office.
2. I am a survivor of COVID-19 and have natural immunity that cannot be improved upon by the investigational COVID vaccines. I understand that the Oregon State Board of Nursing is going to try to enforce the mandate through licensure restrictions or revocations if we fail to get the vaccine. I am facing losing my practice because I will not put something in my body that I have already recovered from.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 9, 2021


Gail Giltner

Declaration of Glenn Hopkins

My name is *Glenn Hopkins* and I hereby state upon personal knowledge that:

1. I am a middle school Physical Education teacher in the Gladstone School District.
2. I have not, and I will not take one of the Covid vaccines.
3. I was told by the Gladstone School District that I must be vaccinated with one of the Covid vaccines or have an exemption. I have been told in writing that if I refuse to be injected with one of the Covid vaccines, or get what they call an exception, I will be terminated.
4. I have received a religious exception from the Gladstone School District. But they are requiring me to:
 - Participate in a weekly testing program through a program launched by The Oregon Health Authority which involves tests being mailed to my home.
 - The wearing of a KN95 mask starting October 19th during work when it involves **close contact with students in a classroom setting, in a vehicle, or in an active cafeteria.**
 - Effective October 19th, I will be required to eat in isolation when indoors. I will not be allowed to eat in an enclosed communal space.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 9, 2021

A handwritten signature in black ink, appearing to read 'Glenn Hopkins', with a long horizontal stroke extending to the right.

Glenn Hopkins

Declaration of Heidi Hopkins

My name is Heidi Hopkins and I hereby state upon personal knowledge that:

1. I am a third grade teacher in the West Linn-Wilsonville School District.
2. I have not, and I will not take one of the Covid vaccines.
3. I was told by the West Linn-Wilsonville School District that I must be vaccinated with one of the Covid vaccines or have an exception. I have been told that if I refuse to be injected with one of the Covid vaccines, or get an exemption, I could be terminated.
4. I have received a religious exception as well as a medical exception from the West Linn-Wilsonville School District. But they are requiring me to test weekly through the OHA, wear a mask, and socially distance myself from others that vaccinated employees are not required to follow.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 9, 2021

A handwritten signature in black ink that reads "Heidi Hopkins". The signature is stylized, with the first name "Heidi" written in a cursive-like script and the last name "Hopkins" in a more blocky, capital-heavy style.

Heidi Hopkins

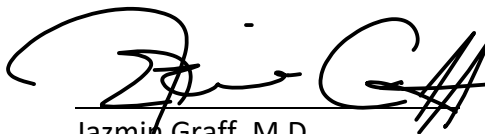
Declaration of Jazmin Graff, M.D.

My name is Jazmin Graff, M.D. and I hereby state upon personal knowledge that:

1. I am a medical doctor working as a 2nd year resident in anesthesiology and critical care medicine at OHSU.
2. I am facing a vaccine mandate to continue in my job. I have not, and will not, get injected with one of the investigational COVID vaccines. I sought a religious exemption but was told that even if the exemption is approved, that there was no way that OHSU could accommodate me.
3. As of today, I am still active, but October 18th will be my last day, and I will then be placed on unpaid leave. I am told that my contract will be terminated on December 2, 2021, which will prevent me from finishing my residency training.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 09, 2021


Jazmin Graff, M.D.

Declaration of Jennifer Brier

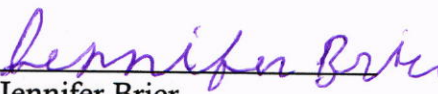
My name is Jennifer Brier and I hereby state upon personal knowledge that:

1. I am developmentally disabled and 45 years old. I work part-time as a custodian for CascadeABA. CascadeABA is a company that works with children. I am told that the State of Oregon vaccine mandate for healthcare workers applies to CascadeABA.

2. I have not, and will not, get injected with one of the investigational COVID vaccines. I am told that I will lose my job on October 15, 2021, if the healthcare vaccine mandate is not lifted. I really enjoy working and the people that I work with. It is very hard to find a job for people like me.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 16, 2021


Jennifer Brier

Declaration of Jessie Clark

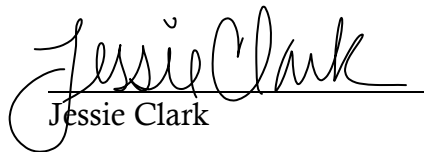
My name is Jessie Clark and I hereby state upon personal knowledge that:

1. I live in Bend, Oregon and I am a registered nurse St. Charles Medical Center in Bend, Oregon.

2. I am facing termination or “unpaid leave” as a “reasonable accommodation” to the religious exemption to receiving the COVID-19 shot that I submitted. St. Charles Medical Center has recently publicly stated that unpaid leave is the only accommodation for religious exemptions. I am currently out on an approved medical leave due to a hip surgery. Initially, I was told that while I'm on leave, I did not need to worry about the timeline of the mandate, only that I would need to be “in compliance” by the time I return to work which is weeks to months from now. However, recent indications are that this will change.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 10, 2021


Jessie Clark

Declaration of Kathleen Sanders

My name is Kathleen Sanders and I hereby state upon personal knowledge that:

1. I am an Oregon licensed pharmacist living in Hood River, Oregon. I have refused to administer shots of any of the Covid vaccines and as a result my employer, WalMart, has put me on unpaid leave.
2. I have not, and I will not take one of the Covid vaccines.
3. I understand that my job function as a pharmacist falls under OAR 333-019-1010 and under that rule I am prohibited from working in Oregon unless I submit to take one of the Covid vaccines or have an exemption.
4. Attached as Ex. A is a true and correct copy of my email correspondence with Erin Richmond, a Compliance Officer with the Oregon Board of Pharmacy. I inquired whether Comirnaty was available, and Ms. Richmond dodged my question as shown in the attachment.
5. I called a number of pharmacies around the State: Walmart in Wood Village, Target at Cascade Station, Rite-Aid in Tigard, Safeway in Hood River and Fred Meyer in The Dalles. None of them had any Comirnaty, nor did they know when the product would be on the market.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 8, 2021


Kathleen Sanders

RE: Comirnaty

RICHMOND Erin * BOP <Erin.RICHMOND@bop.oregon.gov>

Tue 9/28/2021 9:25 AM

Hello Kathleen,

Please see the following Oregon Board of Pharmacy [COVID-19 Communication](#):

**COVID-19 UPDATE – Oregon Board of Pharmacy (OBOP) Information
September 1, 2021**

COVID Vaccine FAQs- Answers from OHA

Q1: Can the FDA approved Pfizer-BioNTech Comirnaty product be used interchangeably with the EUA approved Pfizer-BioNTech product?

A1: The FDA-approved Pfizer-BioNTech product COMIRNATY (COVID-19 Vaccine, mRNA) and the FDAauthorized Pfizer-BioNTech COVID-19 Vaccine under EUA have the same formulation and can be used interchangeably to provide the COVID-19 vaccination series without presenting any safety or effectiveness concerns. Therefore, providers can use doses distributed under the EUA to administer the vaccination series for those seeking the approved vaccine. The Fact Sheet for Recipients provides additional information about both the approved and authorized vaccine. Providers should continue to use the vaccines on their shelves.

Best,

Erin Richmond, Pharm.D, R.Ph She/Her/Hers

Compliance Officer

Oregon Board of Pharmacy

erin.richmond@bop.oregon.gov

Phone: (971) 673-0001

Fax: (971) 673-0002

[Oregon.Gov/pharmacy](https://www.oregon.gov/pharmacy)



CONFIDENTIALITY NOTICE

This email may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law.

If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

From: Kathleen Sanders <kathleen.sanders@hotmail.com>

Sent: Tuesday, September 28, 2021 8:27 AM

To: PHARMACY COMPLIANCE * BOP

<PHARMACY.COMPLIANCE@bop.oregon.gov>

Subject: Comirnaty

Hello again—

I would also like to get clarification on the approval of Comirnaty and the interchange to the EUA product. I have patients asking to get the Comirnaty shot, but I don't see that it is available. Can you please clarify and explain?

Have a blessed day--

Kathleen Sanders, RPh

541-490-2795

<https://youtu.be/ILVn0yPREE4>

Declaration of Kelly Hickman

My name is Kelly Hickman and I hereby state upon personal knowledge that:

1. I live in Beavercreek, Oregon and I am a Talent Management Program Specialist at Legacy Health in Portland, Oregon.
2. I am faced with the vaccine mandate. My exemption request was denied on September 27, 2021. I am currently on unpaid administrative leave and per Legacy Health will be terminated on October 19, 2021.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 9, 2021



Kelly Hickman

Declaration of Kimberly Swegar

My name is Kimberly Swegar and I hereby state upon personal knowledge that:

1. I live in Florence, Oregon and I am a registered nurse with an Oregon license. I work as a hospice nurse for PeaceHealth in Florence.
2. I am facing a vaccine mandate. Because I refused to take the experimental COVID vaccine and PeaceHealth has put me on unpaid leave and under disciplinary action for not complying with their policy. I believe the last meeting and final disciplinary action will be delivered sometime in the middle of October.
3. I have done some research to see if I could locate a source of Comirnaty in Oregon. I received confirmation from Rite Aid in Florence that they have no doses of Comirnaty. The Lane County Health Department claimed in a telephone call I had with them that they had Comirnaty, but when I asked them for a photo of the Pfizer vaccines they are administering, they hung up on me.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October ¹¹ __, 2021



Kimberly Swegar

10-11-2021 9:42 AM PDT

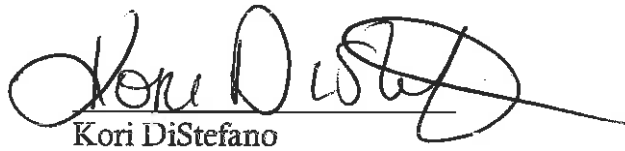
Declaration of Kori DiStefano

My name is Kori DiStefano and I hereby state upon personal knowledge that:

1. I live in Beaverton, Oregon and have been one and want to continue as a school volunteer at St Cecilia.
2. I am facing a vaccine mandate in order to do my volunteer work. I have not, and will not, get injected with one of the investigational COVID vaccines.
3. Unless, the vaccine mandate is overturned, I will be unable to volunteer at the school.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 11, 2021


Kori DiStefano

Declaration of Laine Ewry

My name is Laine Ewry and I hereby state upon personal knowledge that:

1. I live in Damascus, Oregon and I am a Registered Dental Hygienist working for Healthy Smiles Dental Group in Portland, Oregon.
2. The vaccine mandate creates uncertainty as to whether I will be able to continue to be employed. My employer has expressed that I am valuable to their practice, but they also intend to follow any mandates put out by the state. They have accepted my Medical Exception and request for Accommodation for now, but if they feel that they could be in violation of the mandate that could change at any time. I have been working as a hygienist full time for over 20 years now in Oregon. My primary care physician has decided that it is not safe for me to get the vaccine due to multiple medical conditions that put me at risk for severe side effects. I also have sincerely held religious beliefs that would stop me from putting this vaccine in my body. I am a vital part of my family's income and without my paychecks we would not be able to pay our bills.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 9, 2021


Laine Ewry

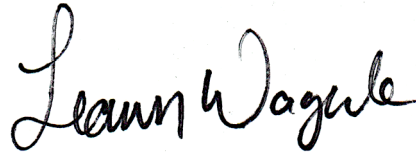
Declaration of Leann Wagerle

My name is Leann Wagerle and I hereby state upon personal knowledge that:

1. I am a 6th grade teacher in the Grants Pass School District.
2. I have not, and I will not take one of the Covid vaccines and I should not have to seek a religious exemption.
3. I was told by the Grants Pass School District that I must be vaccinated with one of the Covid vaccines or have what they call an exception. I have been told in writing that if I refuse to be injected with one of the Covid vaccines, or get an exception by October 18, 2021, I will put on leave without pay, or forced to resign.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 11, 2021

A handwritten signature in black ink that reads "Leann Wagerle". The signature is written in a cursive, flowing style.

Leann Wagerle

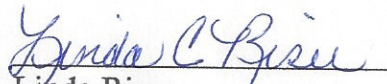
Declaration of Linda Riser

My name is Linda Riser and I hereby state upon personal knowledge that:

1. I am a Lab Courier at St. Charles Health Systems in Bend, Oregon.
2. I have not, and will not, get injected with one of the investigational COVID vaccines. I requested a religious exemption. I was told that it was accepted, but there was no accommodation available to me. Due to the nature of my job and I am in and out of businesses. I was given the option of applying for remote work, get the shot, or take unpaid leave. If I choose to take leave, then will cash out my ETO, but I am responsible for my total premium of my health insurance. If they did not hear back from me, they said that it would be considered a voluntary resignation.
3. I have applied for remote positions, I have gotten back to them and let them know I have done this. I have also let them know that I am not resigning. I was told the last day that I can work in my role as a courier is 10/17/21. My last scheduled day is 10/15/21. I have been with St. Charles 9+ years.
4. I was also told there was no appeal process. The vaccine mandate has cost me my job, my family's health insurance, and my livelihood.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 9, 2021


Linda Riser

Declaration of Malcolm Johnson

My name is Malcolm Johnson and I hereby state upon personal knowledge that:

1. I am a graduate of Sam Barlow High School and I live in Gresham, Oregon. I played football for Barlow High School where I finished top 5 rushing all-time in a 3 year career.


2. I am an assistant football coach for Tigard High School.

3. I have not, and I will not take one of the Covid vaccines and there should be no need for me to get an exemption.

4. I have been instructed by the Tigard-Tualatin School District to be vaccinated with one of the Covid vaccines or have what they call an exception. I have been told in writing that if I refuse to be injected with one of the Covid vaccines, or get an exception, I will be terminated.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 10, 2021



Malcolm Johnson

Declaration of Margaret Henson

My name is Margaret Henson and I hereby state upon personal knowledge that:

1. I am a certified medical assistant at the Peace Health Primary Clinic in Florence, Oregon.
2. I have not, and I will not take one of the Covid vaccines.
3. I was released to go back to work on September 24, 2021. Before that, I was out on medical leave for one month, since August 23, 2021.
4. I received a letter from Human Resources stating that Peace Health is unable to provide me with a reasonable accommodation that would allow me to continue working at this time, and that because my position in the call center has been determined to be one that cannot be performed remotely that I would be placed on administrative leave. I had requested a religious exemption and asked to use my accrued paid time off until it is exhausted, which will be around the middle of October, 2021, at that point I will be placed on unpaid administrative leave, subject to disciplinary action for not complying with the vaccine mandate.
5. Many people who I have spoken to have told me that they believe that if they get the Pfizer vaccine they will be receiving an FDA approved vaccine. It is a surprise to them that the only vaccine available is the investigative vaccine named Pfizer-BioNTech.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 9, 2021


Margaret Henson

8:43

LTE



Marti Lamb.pdf



Declaration of Marti Lamb

My name is Marti Lamb and I hereby state upon personal knowledge that:

1. I am a registered nurse with St. Charles in Bend, Oregon.
2. I have not, and will not, get injected with one of the investigational COVID vaccines. I sought a religious exemption which was granted. But I have been offered a "reasonable accommodation" of an unpaid leave, which is not reasonable at all.
3. Unless, the vaccine mandate is overturned, I will likely lose my job and be unable to find employment in my profession in Oregon.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 11, 2021

Marti Lamb

Marti Lamb

Declaration of Mary Gabriele, M.D.

My name is Mary Gabriele, M.D. and I hereby state upon personal knowledge that:

1. I am a medical doctor with a small medical practice in Cottage Grove, Oregon.
2. I am also employed as an independent contractor locally and my medical exemption has been accepted. I am not facing at this time accommodations such as weekly testing that are taxing and excessive. However, I face uncertainty due to changing "emergency" proclamations by the Governor and the Oregon Health Authority and not knowing whether my circumstances will continue in this manner or change for the worse leaving me without a job and unable to find employment in the health care field.
3. I have courtesy privileges at McKenzie Willamette Hospital and do not see patients in the Hospital. My status is "refer and follow." The Hospital has accepted my religious exemption and has placed me on "Leave of absence." I am unpaid medical staff. At the present time, this is not affecting my livelihood.
4. I have not, and will not, get injected with one of the investigational COVID vaccines. I sought religious exemptions and it has been granted with reasonable accommodation. Although this has occurred, it is undeniable that my ability to seek employment and be gainfully employed is severely limited should these employers change their policies or should I need to seek employment elsewhere.
5. There are other healthcare facilities and hospitals that will not allow medical providers with a Religious Exemption to be on staff or hired and, thus, my eligibility for gainful employment has been narrowed and limited simply due to the vaccine mandate.
6. Unless, the vaccine mandate is overturned, I am forced to labor in an environment of uncertainty.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October __, 2021

The block contains a handwritten signature in cursive script that reads "Mary Gabriele MD". The signature is written in black ink and is positioned above the printed name.

Mary Gabriele, M.D.

Declaration of Melanie Crites-Bachert, DO, FACOS, FACS

My name is Melanie Crites-Bachert, DO, FACOS, FACS and I hereby state upon personal knowledge that:

1. I am a doctor of Osteopathic Medicine and a surgeon with my own private practice in Gresham, Oregon that has been established for over 10 years.

2. I have not, and will not, get injected with one of the investigational COVID injections. My privileges within Legacy Health System have been terminated as of October 1, 2021. Legacy Mount Hood Medical Center has been my primary hospital of practice for the last 10 years. I have also served on the Medical Executive Committee of Legacy Mount Hood Medical Center in various capacities over the last 8 years. Most recently, I have served on the Credentials Committee until my privileges were terminated. As a result of my loss of privileges at Legacy, I have had to cancel surgeries that I have had scheduled for several weeks. One such case is a co-case with another Legacy physician that I had to cancel. The patient and her family are extremely upset that I have had to cancel her surgery at the end of October, and they are they now saying that they will never recommend anyone come see me. They have even taken to posting such comments on my business social media. This has negatively affected my reputation, practice, and livelihood.

3. Portland Adventist Hospital has accepted my religious exemption, and I am still waiting to hear from Providence Health System. Had no hospital accepted my religious exemption, or if it is revoked from the institutions that have already accepted it, I would be forced to leave the state in search of other opportunities.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 10, 2021

Melanie Crites-Bachert, DO, FACOS, FACS

Melanie Crites Bachert, DO, FACOS, FACS
10/10/21


Declaration of Melissa Swancutt

My name is Melissa Swancutt and I hereby state upon personal knowledge that:

1. I live in Albany, Oregon and I am a Registered Nurse who was working for Brookdale Senior Living in Albany, Oregon.
2. I am facing the vaccine mandate. I was terminated on September 30, 2021, after my religious exemption request was denied.
3. Attached is a true and correct copy of the first 5 pages of an Oregon State Board of Nursing Memorandum dated September 29, 2021. The Nursing Board is meeting on October 13, 2021, to discuss new rules that impose disciplinary actions on nurses who do not comply with the vaccine mandate. As I understand it, the Board is proposing rules that would result in my losing my nursing license if I do not comply with the vaccine mandate.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 9, 2021


Melissa Swancutt

Oregon State Board of Nursing Memorandum

TO: Interested Parties

FROM: Ruby R. Jason, MSN, RN, NEA-BC
Executive Director

DATE: September 29, 2021

SUBJECT: NOTICE OF BOARD MEETING

The Oregon State Board of Nursing will meet October 13, 2021, at the Board offices, 17938 S.W. Upper Boones Ferry Road, Portland, Oregon. **To comply with COVID-19 gathering restrictions, the Board meeting will be held utilizing electronic media only.**

**Members of the public may call-in by using the following information:
503-446-4951, Conference ID#: 716 932 704#**

Members of the Media can gain access to Executive Sessions by contacting Barbara Holtry at Barbara.Holtry@osbn.oregon.gov at least 24 hours prior to meeting start time.

The meeting will begin at 4:30 p.m. and continue until the end of business. This meeting will include two sections:

Section 1: The Board will meet in **Public Session** and continue until the end of business to discuss administrative-related topics.

Section 2: Following the public session, the Board will meet for the purpose of discussing and taking action on disciplinary cases including Defaults, Stipulations, Final Orders, requests for Board Direction, Dismissals, Notices of Proposed Action, and Consent Agenda. The Board will meet in **Executive Session** as authorized by ORS 192.660(1), 192.660(2)(f) and (L), ORS 678.126, ORS 676.165, and ORS 676.175(1). During the Executive Session, the public phone line will be muted. The Board will then meet in Public Session for the purpose of taking formal action on cases that have been reviewed in Executive Session. While the Board is in Public session, the public phone line will be unmuted. Board action may include, but is not limited to, ratification of interim consent orders, motions for proposed or final discipline, and approval or denial of licensure.

The meeting timeline is tentative and the order of agenda items may be changed at the Board's discretion.

If you have a disability that requires any special materials, services, or assistance please contact Peggy Lightfoot via phone (971-673-0638) or e-mail (peggy.lightfoot@osbn.oregon.gov), so appropriate accommodations may be arranged.

Current Board Members:
Kathleen (Kat) Chinn, RN, FNP (President)
Michelle Chau, LPN (Secretary)
Devorah Bianchi, RN
Sheryl Oakes Caddy, RN
Aaron Green, CNA
Sarah Horn, RN
Angela Powell, RN
Judith Woodruff (Public Member)
Michael Wynter-Lightfoot (Public Member)

TENTATIVE TIMEFRAME FOR OCTOBER 2021 BOARD MEETING**Wednesday, October 13, 2021****Agenda Items**

4:30 p.m. – End of Business
(Public phone line available)

PUBLIC SESSION:

Topics including administrative rule
revisions and license exception request

Following Public Session
(Public phone line muted except for
public votes)

EXECUTIVE SESSION:

- Defaults
- Stipulations
- Final Orders
- Board Direction
- Dismissals
- Notices of Proposed Action
- Consent Agenda

Please note: The above timeframe is tentative and the time for individual agenda items may vary. Agenda items may also be rescheduled at the discretion of the Board president. Portions of the meeting will be held in Executive Session for disciplinary proceedings, as authorized by ORS 192.660(1), 192.660(2)(f) and (L), ORS 678.126, ORS 676.165, and ORS 676.175(1).

Oregon State Board of Nursing
 Teleconference Board Meeting – October 13, 2021
 Agenda - Page 1

MEETING

October 13, 2021

A G E N D A

PUBLIC SESSION

1. CALL TO ORDER
2. PUBLIC MEETING NOTICE
3. PUBLIC PARTICIPATION NOTICE
4. ROLL CALL
5. DECLARATION OF QUORUM
6. INTRODUCTIONS AND ROLL CALL - BOARD MEMBERS, STAFF, AND LEGAL COUNSEL

REVIEW OF MEETING AGENDA

Additions, Modification, Reordering of Agenda

**Page
Number**

ADMINISTRATION – Ruby Jason, Executive Director

- | | | |
|---|---|-----------|
| A1. Temporary Rulemaking –
OAR 851-001
<i>Rules of Practice & Procedure</i> | Discussion and Action
(Exhibit A1)

M.S.C. _____,
that based on the information presented, the
Board (adopt/not adopt) OAR 851-001-0160 as
a temporary rule pending further requirements
by the OHA and DOJ, or be made permanent
in 180 days or less | 5 |
| A2. Exception Request for Individual
License by Endorsement Application | Discussion and Action
(Exhibit A2)

M.S.C. _____,
that the FIS credential evaluation for
Taylor Bridges (be/not be) accepted for
licensure by endorsement into Oregon | 18 |

Oregon State Board of Nursing
 Teleconference Board Meeting – October 13, 2021
 Agenda - Page 2

A3. Administrative Rule Update-
 OAR 851-031
*Standards for Licensure of
 Registered Nurses and
 Licensed Practical Nurses*

Discussion and Action **20**
 (Exhibit A3)

M.S.C. _____, _____
 that based on the information presented,
 Board staff (move forward/not move forward)
 with an administrative rule hearing for the
 amendments to OAR 851-031
 (as presented/modified) for the November
 2021 Board meeting

EXECUTIVE SESSION:

- Defaults
- Stipulations
- Final Orders
- Board Direction
- Dismissals
- Notices of Proposed Action
- Consent Agenda

NEXT BOARD MEETING

The next scheduled Board Meeting of the Oregon State Board of Nursing will be November 16-18, 2021.

ADJOURNMENT



Oregon

Kate Brown, Governor

Board of Nursing

17938 SW Upper Boones Ferry Rd

Portland, OR 97224-7012

(971) 673-0685

Fax: (971) 673-0684

Oregon.BN.INFO@state.or.us

www.oregon.gov/OSBN

Memorandum

To: Oregon State Board of Nursing Members

From: Ruby R. Jason, MSN, RN, NEA-BC
Executive Director

Date: October 13, 2021

Re: Temporary Rules for OAR 851-001

The Governor's immunization mandate has resulted in the Oregon Health Authority (OHA) publishing rules regarding healthcare workers who are not in compliance with the mandate after October 18. The Department of Justice (DOJ) has determined that a healthcare worker licensed by an Oregon Healthcare Regulatory Board must be in compliance or could be found in violation of Oregon law. Model rules for temporary adoption have been issued by the DOJ and the expectation is that all Healthcare Regulatory Boards adopt these rules to address concerns that healthcare workers are caring for clients and interacting with the public without vaccination for COVID-19 after the Governor's deadline.

The proposed temporary rules follow the requirements of the OHA. There is no requirement for specific discipline; this is left to the discretion of the Board. The OSBN version of the rules have been reviewed by our legal counsel.

M.S.C. _____, _____ that the Board
(adopt/not adopt) OAR 851-001-0160 as a temporary rule pending further requirements by
the OHA and DOJ or be made permanent in 180 days or less

Declaration of Ms. B

My name is Ms. B and I hereby state upon personal knowledge that:

1. I live in Oregon and I am a nursing student. This declaration is under an alias because I fear retribution from the State of Oregon if my name were to become known to them. I have good reason for this fear.

2. I am facing the vaccine mandate. I sought a religious exemption that has been denied. Since then, I have taken the Johnson and Johnson vaccine to help meet the requirement to continue with my education. I felt like I did not have another choice. I was told by my campus dean that I could not take a leave of absence if I intended to stay unvaccinated. The only way out was being dismissed and losing my scholarship or taking the vaccine

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 11, 2021



Ms. B

Declaration of Ms. D

I am preparing this declaration under the alias Ms. D and I hereby state upon personal knowledge that:

1. I live in Oregon and I am a teacher. This declaration is under an alias because I fear retribution from my employer and the State of Oregon if my name were to become known to them. I have good reason for this fear because I have been served with a Corrective Action at my work for 'harassment' due to sharing factual information with a medically-fragile co-worker regarding mRNA vaccines. I have been threatened with dismissal if I bring this subject up again with co-workers. I believe that this censorship of free speech regarding an issue that is vital to the health and well-being of both my co-workers and the children, is a direct result of my administration's fear of reprisal from Oregon's governor, Kate Brown.

2. I have not and will not take any of the investigational COVID vaccines, and refuse, on principle, to subject myself to any mandated medical procedure. I submitted a philosophical exception to the mandate and was informed that philosophical exceptions could only be approved if submitted by parents or guardians on behalf of children, but not by employees. I was advised to resubmit my request and to use the word 'religious' instead of 'philosophical', and did so, though I expressed reservations about the narrowing of exception categories. I have subsequently been informed that my 'religious' exception is approved as long as I subject myself to weekly testing. Considering the narrowing of exception categories for employees, the current autocratic political climate in Oregon, and the increasing rejection of exceptions by other businesses, I'm concerned that this exception will not be honored in the future. If the religious exception option is lost to me, and the

vaccine mandate for school employees remains in force, I will have no options for seeking employment in my field in Oregon.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 9, 2021

Ms. D.
Ms. D.

Declaration of Ms. E

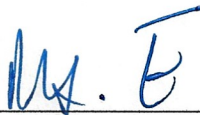
I am preparing this declaration under the alias Ms. E and I hereby state upon personal knowledge that:

1. I live in Oregon and worked for a health care organization in Oregon as Project Manager. This declaration is under an alias because I fear retribution from my employer and the State of Oregon if my name were to become known to them. I have good reason for this fear because I am aware of previous instances when Governor Kate Brown used her authority to engage other government agencies to harass citizens who disagreed or acted contrary to previous executive orders in an effort to silence or threaten said person. During the past two years, I worked 100% from home.

2. I have not and will not take any of the investigational COVID vaccines. I sought a religious exemption, which was denied without any explanation aside from a form letter which was identical to that sent to more than 800 other employees of the same organization. I intended to retire at this health care organization, but due to the vaccine mandate, my employment opportunities have been limited.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 9, 2021



Ms. E.

Declaration of Ms. G

I am preparing this declaration under the alias Ms. G and I hereby state upon personal knowledge that:

1. I am a registered nurse at in Oregon working at a hospital in Oregon. This declaration is under an alias because I fear retribution from my employer and the State of Oregon if my name were to become known to them.

2. I have not, and will not, get injected with one of the investigational COVID vaccines. I requested a religious exemption which has been formally denied. Therefore, OHSU has informed me that I will be placed on unpaid leave effective 10/19, I will be laid off as of 12/2, and I have no additional recall rights.

If Oregon's vaccine mandate is not lifted, I face the loss of my job, the potential loss of my nursing license, and thus the inability to find work in Oregon in my chosen profession.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 11, 2021



Ms. G


Declaration of Stephanie Kaiser

My name is Stephanie Kaiser and I hereby state upon personal knowledge that:

1. I live in Troutdale, Oregon and I work as a PAS GI scheduler for OHSU. My work is 100% remote. I have not need to go to OHSU or see patients in person to perform my job duties.
2. I am facing a vaccine mandate. I filed for a religious exemption, and it was denied. My daughter relies heavily on my health benefits that I get through my work at OHSU. She requires intravenous immunoglobulin treatment every three weeks to stay healthy. These treatments without insurance can cost anywhere from \$10,000 - \$30,000.
3. I should not be forced to choose between getting vaccinated and risking the dangerous side affects that can occur, and my daughter's health. This is not right!

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 9th, 2021


Stephanie Kaiser

Declaration of Stephanie Nyhus

My name is Stephanie Nyhus and I hereby state upon personal knowledge that:

1. I live in Portland, Oregon and I am a remote biller for Legacy. I have had no contact with my co-workers for over a year and Legacy has told all employees in my division that our status as remote employees is permanent. My job does not entail any direct contact with patients. Being remote over a year has created no undue hardship on Legacy, in fact, Legacy has profited off of sending it's employees that were stationed at The Davis Building in Portland, Oregon so much that it has been repeatedly stated to all employees during morning meetings that Legacy was working to consider terminating The Davis Building lease and set up areas where employees can go if there are computer or internet issues that prevent being able to work from home.

2. I have not, and will not, get injected with one of the investigational COVID vaccines, Pfizer, Moderna, Johnson & Johnson or any other investigational vaccines that were developed with or tested on fetal cell tissues. I should not have been mandated as my personal home is not a licensed facility per the Oregon Mandate (OAR) 333-019-1010 section 1eA & C. Legacy has also turned our religious exemptions (RE) into medical exemptions (ME) by using my past vaccination records through the ALERT IIS system as a basis to deny my religious freedoms instead of taking my religious beliefs into account. Legacy reviewed my private medical records without my, either verbal or written, permission. Per page 10, question 2, of

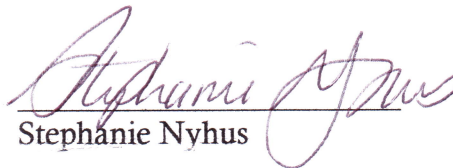
<https://sharedsystems.dhsoha.state.or.us/DHSForms/Served/1e3879.pdf>, Oregon Law does not permit employers who are authorized users to Oregon Health Authorities (OHA'S)

ALERT IIS to look up COVID-19 vaccination information on employees or accessing ALERT IIS for this purpose violates the user agreement.

3. I received a blanket denial of my religious exemption on September 27 from Legacy. I have submitted an appeal to the process of my religious exception requesting a reply to confirm receipt. I specifically requested information why I was denied but there has been no response from Legacy. Currently, I am laid off without pay, unable to pay rent or bills. I am afraid to go to my doctor for treatment for my anxiety and depression in fear this might be used against me. My supervisor, Eric Soto, has texted me asking if I am willing to finally take any of the vaccines which I feel is coercion. I understand I am terminated on October 19, 2021 for my refusal to take this investigational experiment. I am an expert in mental health medical billing and follow-up. Due to the vaccine mandate I will be unable to find work in the medical field in Oregon or Washington.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 10, 2021


Stephanie Nyhus

Declaration of Tara Johnson

My Name is Tara Johnson and I hereby state upon personal knowledge that:

1. I live in Bend, Oregon and I am a registered nurse at St. Charles Medical Center in Bend, Oregon.
2. I am facing termination even though my religious exemption was accepted. St. Charles is not granting any accommodations other than unpaid leave. I will likely be put on unpaid leave in the near future.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 10, 2021



Tara Johnson

Declaration of Teresa Lynn Karn

My name is Teresa Lynn Karn and I hereby state upon personal knowledge that:

1. I live in Damascus, Oregon and I work as a secretary for the Oregon City School District.
2. I am facing a vaccine mandate. I have taken both doses of the Pfizer Covid vaccine under duress—I feared for my job. But, I am fearful that there will be additional requirements to receive Covid or other vaccines.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 8, 2021


Teresa Lynn Karn

Declaration of Terese Lampa

My name is Terese Lampa and I hereby state upon personal knowledge that:

1. I live in Silverton, Oregon. I have two job roles within Legacy Health System.

I am a registered nurse working in a wound care/IV infusion and anticoagulation clinic called STEPS as a casual nurse through Legacy Health Silverton. I am also a school nurse consultant contracted through Legacy Health Systems for the Silver Falls School District.

2. I am facing a vaccine mandate to continue in my jobs. I have not, and will not, get injected with one of the investigational COVID vaccines. I am so outraged that I am being fired for not taking the vaccine. I am frustrated that after having given more than 10 years of my nursing career to Legacy, I had to leave both my nursing teams at the clinic and at the Silver Falls School District. In both positions they are already short-handed in staffing, and this will decrease the quality of care given to the community. I am also feeling angry that I was taken off the schedule at the STEPS clinic before I even had a chance to say goodbye to my patients. This whole thing is outrageous.

3. With the decision of Legacy mandating vaccinations for their employees they are HURTING the people we are supposed to be serving.

4. I am concerned and baffled by the possibility that the Oregon State Board Of Nursing may require nurses to become vaccinated or have their license revoked.

5. Unless, the vaccine mandate is overturned, I will be unable to work in the State of Oregon in my chosen field.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 11, 2021.


Terese Lampa

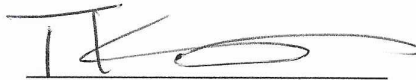
Declaration of Terri Kam

My name is Terri Kam and I hereby state upon personal knowledge that:

1. I am the Owner of Kam & Kam Catering Company located in Portland, Oregon. I serve Portland and surrounding areas in Oregon. My clients include a number of institutions including government entities such as many educational accounts and medical related clients.
2. I have not, and I will not take one of the Covid vaccines. I have employees who are taking the same position.
3. I have been told by clients, including Claremont Retirement Community that they will not do business with me until I and every one of my employees comply with Oregon's vaccine mandate. I have been told by Claremont Retirement Community administration that I cannot do business with them unless I and every one of my employees have been injected with one of the Covid vaccines. This has caused a great deal of damage to my catering business.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 11, 2021


Terri Kam

Declaration of Travis Brenneman

My name is Travis Brenneman and I hereby state upon personal knowledge that:

1. I live in West Linn and I am a licensed paramedic in the State of Oregon.
2. I currently work for State of Oregon Dept of Human Services and am a volunteer firefighter for Tualatin Valley Fire and Rescue.
3. I am facing a vaccine mandate both because I am a licensed paramedic and because I am employed by the State. I have not, and I will not take one of the Covid vaccines and there should be no need for me to get an exemption.
4. I asked for an exemption from Tualatin Valley Fire and Rescue, and it was granted. For an accommodation, they are requiring that I comply with current and future OHW COVID-19 protocols for prevention, comply with all current and future PPE requirements with the additional requirement of donning an N95 mask on any emergency scene, regardless of my contact with a patient, and maintain individual accountability to these requirements and communicate with the officer on scene about my additional PPE requirement.
5. I have asked for what they call an exception from the Oregon Dept of Human Services, and it is pending.
6. I have been told by the Oregon Dept of Human Services that I must be vaccinated or receive what they call an exception by October 18, 2021, or face personnel consequences up to and including separation from employment.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 9th, 2021

A handwritten signature in black ink, consisting of several overlapping, stylized strokes, positioned above a horizontal line.

Travis Brenneman

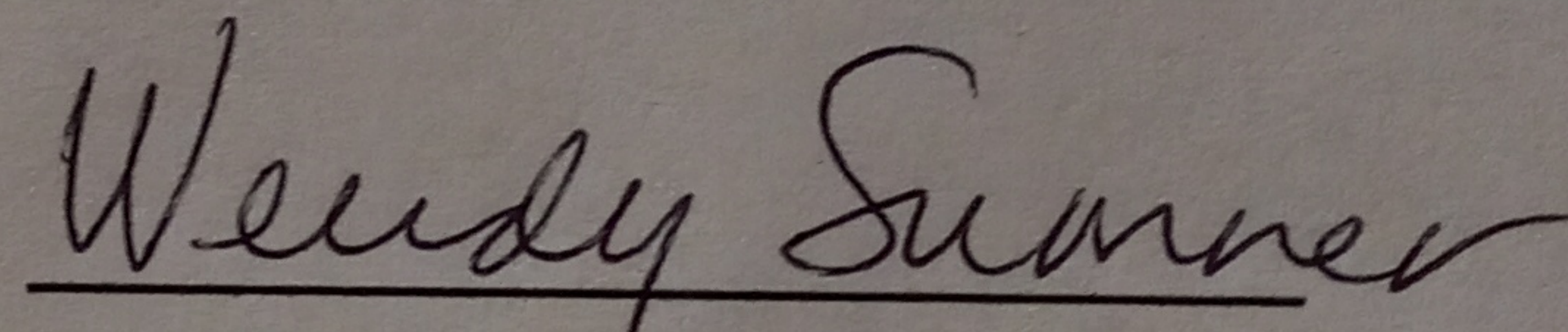
Declaration of Wendy Sumner

My name is Wendy Sumner and I hereby state upon personal knowledge that:

1. I live in Eugene, Oregon and I am a medical coder for PeaceHealth in Eugene.
2. I have been placed on administrative leave by PeaceHealth, and my job will be terminated this month for not complying with the vaccine mandate. I have been employed with PeaceHealth for 28 years, and if the vaccine mandate remains in place, it will be difficult to find another job in my profession in Oregon.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October _10_, 2021


Wendy Sumner